No. _____

SUPREME COURT, U.S.
FILED
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OFFICE OF THE CLERK

In The
Supreme Court of the United States
October Term, 1995

PAUL J. SCHAPIRO,
Plaintiff/Petitioner

v.

SARITA R. SCHAPIRO

MONTGOMERY COUNTY COURT, ET AL
MONTGOMERY COUNTY COURT, DOMESTIC RELATIONS SECTION, DAVID GUTIN, HORACE A. DAVENPORT, HON. ROGER B. REYNOLDS, JR., BERNARD A. MOORE, HON. SAMUEL W. SALUS, II, HON. JOSEPH A. SMYTH, HON. ALBERT R. SUBERS, HON. RICHARD LOWE, HON. MATHEW SANTANGELO, SANDRA NEWMAN, HON., ROBERT KATZ, JEAN BISECKER, ASTOR WEISS KAPLAN & ROSENBLOOM, (FORMERLY ASTOR, WEISS AND NEWMAN), FAIGA RUBENSTEIN, LYNDA SMITH, SUPERIOR COURT OF PENNSYLVANIA, SUPREME COURT OF PENNSYLVANIA JUDICIAL CONDUCT BOARD, WILLIAM ARBUCKEL, III

Defendants/Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

NO. 848 E.D. ALLOCATUR DOCKET 1995 (BIFURCATION)
AND
NO. 756 E.D. ALLOCATUR DOCKET 1995 (RECUSAL)

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Did the Montgomery County Court err in not letting Petitioner, proceed *pro se* with the recusal issue despite the fact that there were attorneys of record?

2. Did the Montgomery County Court have jurisdiction to preside over Petitioner's case and issue orders after the Petitioner filed a notice of Appeal on March 14, 1995?

3. Did the Montgomery County Court order of March 24, 1995 granting the Respondent's Petition for Bifurcation contravene the avowed policy of the Divorce Code to promote economic justice and equity between the parties?

4. Does the Civil Rights Act of 1871 as amended 42 U.S.C. Sec. 1983 provide Petitioner a remedy for due process violations occurring within domestic relations proceedings?

LIST OF PARTIES

The parties to the proceedings below were the Petitioner Paul J Schapiro and the Respondent, Sarita Schapiro.

The respondents before this Court are listed on the caption of the case.

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Defendants/Respondents

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

PETITION FOR WRIT CERTIORARI

The petitioner Paul J. Schapiro respectfully prays that a writ of certiorari issue to review the Orders of the Supreme Court of Pennsylvania, issued per curiam on May 8, and May 9, 1996.

OPINIONS BELOW

No opinions issued from the Supreme Court of Pennsylvania or the Superior Court of Pennsylvania in the cases herein. On May 16, 1995, the Montgomery County Court of Common Pleas, J Subers, presiding, issued an opinion rejecting Petitioner's claim relative to Recusal. On the same day (i e, May 16, 1995) Judge Subers issued an opinion rejecting Petitioner's claim relative of Bifurcation. Both opinions are cited in the Appendix at (Vol. VII, R. R. 3840-R.R. 3842) and included in the end of this Petition for Writ of Certiorari.

JURISDICTION

This Writ of Certiorari is applied for from the Order of the Supreme Court of Pennsylvania, May 9, 1996, denied (No. 756 ED. Allocatur Docket 1995) the Petition for Allowance of Appeal. . . . . . RR 3817.
Also attached at the end of this Petition for Writ of Certiorari and titled *Appendix.*

This Writ of Certiorari is applied for from the Order of the Supreme Court of Pennsylvania, May 8, 1996, denied (No. 848 ED Allocatur Docket 1995) the Petition for Allowance of Appeal . . . . . .RR 3818.

Also attached at the end of this Petition for Writ of Certiorari and titled *Appendix.*

The jurisdiction of this Court to review the judgement of the Supreme Court of Pennsylvania is invoked under 28 U.S. C. Sec. 1254 (1).

STATUTE INVOLVED

28 US.C. Sec. 1254. Courts of appeals;certiorari; appeal; certified questions.

(I) By writ of certiorari granted upon the petition of any civil or criminal case, before or after rendition of judgment or decree; . . .

STATEMENT OF THE CASE

On December 20, 1994 Plaintiff/Petitioner filed a Petition, *pro se*, in the Montgomery County court requesting that the Honorable Judge Albert J. Subers recuse himself from his case involving matters of Divorce, Custody, and Equitable Distribution. (App.Vol.. Vll, RR 3942-3945).

On January 27, 1995 when this matter was scheduled for a hearing, Judge Subers would not hear it because Petitioner's attorney was not present although Petitioner was willing to proceed without the assistance of Counsel. (App. Vol. VII, R.R. 3835b and 3836b).

On February 21, 1995, Judge Subers once again refused to hear Plaintiffs Petition to Recuse. (App. Vol. VII, R.R. 3836 and R.R. 3837).

Then on the morning of February 27, 1995, Plaintiff/Petitioner filed a Petition to appeal Judge Subers' Dismissal of His Own Recusal Hearing, the latter having never been heard on the merits of the Petition. (App. Vol. VII, R.R. 3946-3948).

At the hearing that same day (See Transcript in App. Vol. VII, R.R. 3930-3934), Judge Subers reminded Petitioner's legal counsel that he could not hear the latter's Petition for Modification of Support and Custody owing to the fact that Petitioner had earlier that morning filed an appeal in the Montgomery County Court. Subers claimed he lacked jurisdiction; Subers repeated his inability to act on jurisdictional grounds several times. Inexplicably, Subers refused to issue an Order that same day at Petitioner's request to allow Petitioner the right to appeal to the Superior Court of Pennsylvania.. (App. Vol. VII, R.R. 3931).

On March 9, 1995 Judge Subers entered an Order denying Plaintiff/Petitioner's **Petition to Appeal Judge Sabers' Dismissal of His Own Recusal Hearing**. Subers claimed in his March 9th Order that this dismissal was based on the fact that Petitioner, moving *pro se*, had never filed an Appeal of that petition. Then Subers re-labled the Petition a **Reconsideration** and dismissed the Motion for Reconsideration. (App. Vol. VII. R.R. 3837b). In actuality, no Order had issued prior to March 9, 1995 denying

Plaintiff/Petitioner's **Petition to Appeal Judge Subers' Dismissal of His Own Recusal Hearing**. Petitioner could not appeal without an Order.

On March 14, 1995 Petitioner entered a Notice of Appeal from the Order of March 9, 1995, issued by Judge Albert Subers. (App. Vol. VII, R.R. 3838).

Notwithstanding the Appeal of the Petitioner, Judge Subers moved ahead and, at a hearing on Respondent's Petition for Contempt and Bifurcation, held on March 24, 1995, Judge Subers granted the Motion for bifurcation. (App. Vol VII, 3839).

Pursuant to an Order of the Montgomery County Court dated March 20, 1995, Petitioner filed a Concise Statement of Matters Complained of on Appeal on April 3,1995 (App. Vol. VII, R R. 3927-3929).

On May 16, 1995, Judge Subers issued his OPINION in response to Petitioner's Appeal on March 14, 1995 from the Order of Judge Subers issued on March 9, 1995. (App. Vol. VII, R.R. 3840-3842).

REASONS FOR GRANTING THE WRIT

I. The Montgomery County Court erred in disallowing Petitioner to proceed with the merits of his recusal petition *pro se* even though there were attorney's of record.

Belated liberation is little enough compensation for Petitioner. Against the back drop of this case, justice required that Petitioner be heard with or without counsel. In the recusal hearings of January 27 and February 21, 1995 and what was supposed to have been a custody hearing on February 27, 1995, Petitioner stated throughout that Judge Subers had not treated him fairly and that Subers was not acknowledging his side of the story, that Petitioner was being ignored and that he was being made to suffer from fraudulently procured orders.

Where there is an irreconcilable disagreement between lawyer and client, if the interest of justice requires, the party may proceed *pro se*.

Legal Counsel initially did not want to recuse Judge Subers hoping to resolve the problem in a more diplomatic way.[1] Ultimately, counsel agreed to take this course only when he realized that Judge Subers' actions in this case was causing great injustice and irreparable harm to his client.

A lawyer's unwillingness to be involved in a recusal motion should not preclude his client from putting forward such

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[1] FEBUARARY 27, 1995, page 3.

Mr. Walker: And, your Honor, we had -- I had sent you a letter to the effect that the matter would be withdrawn.

The Court: And it was not.

Mr. Walker: My client felt otherwise, and the matter was not withdrawn, and he came here without counsel.

a motion if the interest of justice requires. The rule relied upon by Judge Subers that a litigant who already has counsel cannot appear *pro se* is not an absolute one.

> Where a party is represented by competent counsel his case should be conducted by that counsel unless it becomes apparent that the interests of justice require the party's active participation pro se *(emphasis added). Overholser v. De Marcos*, 1945, 80 U.S. App D.C. 91, 149, F.2d 23, 26, *cert. denied*, 325 U.S. 889, 65 S Ct. 1579, 89 L.Ed. 2002.

> The Second Circuit's rule appears to be that it is within the discretion of the trial judge to determine whether the defendant may act as his own counsel in conjunction with representation by an attorney. *United States v. Private Brands*, 250 F. Supp 2d. 554, 557 (2nd Cir. 1957) cert. denied, 355 U. S. 957, 78 S Ct. 542, 2 L Ed. 2d 532 (1958). This also appears to be the rule in the other circuits which have addressed this issue. *United States v. Patricia Swinton*, 400 F. Supp. 805 (1975).

On February 21, 1995, in what was Petitioner's second attempt to have the recusal petition heard, Petitioner made it very clear to the Court that his efforts to find a lawyer to maintain his recusal were to no avail.

> Mr. Gutin: . . . He did not appear with counsel. He was directed to come with counsel.

> Paul Schapiro: . . . five counsel are aware of today's proceedings. The problem is each one gives me this threat of a certain amount of money, and you don't understand how much money has been spent.
>
> I haven't bought anything for myself, but to try to get back my properties and have my children back. [N. T. February 21, 1995, p 9]

Any reasonable person would perceive Judge Suber's actions and omissions as being biased against Petitioner, requiring his recusal from the case.

It is well settled in case law where there have been allegations going to the issue of impartiality, bias, or prejudice a reasonable person standard should be applied. In *Liljeberg v. Health Services Acquisition Corporation*, 486 U.S. 847, 860-61 (1987); 674 (lst Cir. 1984) cert. denied, 469 U.S. 1191 (1985), it is stated that "whether an appearance of impropriety exists is determined under an objective standard, **i.e., would a reasonable person, not the judge himself, question the impartiality of the court**." The decision goes on to say that "the objective standard is required in the interest of insuring justice in the individual case and maintaining public confidence in the integrity of the judicial process which depends on a belief in the impartiality of judicial decision making." Id. at 864.

II. The Montgomery County Court did not have jurisdiction to preside over Petitioner's case and issue orders after the Petitioner filed a notice of Appeal on March 14, 1995.

Petitioner contends that the trial court acted without jurisdiction in contravention of the Pennsylvania Rules of

Appellate Procedure, 1701(c) wherein the taking of an appeal divests the trial court of jurisdiction.

By acting without jurisdiction the trial court vitiated fundamental interests Petitioner sought to protect. Moreover, on the very day that the trial court acted (i.e. March 24, 1995), attorney for Petitioner informed the trial court that Petitioner was in the Hospital being treated for gall bladder stones and other associated maladies. (App. Vol. VII, R.R. 3929). Hospital records can be found at (App. Vol. VII, R.R. 3934a-R.R. 3934r).

Judge Subers had a solemn obligation based on Canon 3C(l)(a) of the Code of Judicial Conduct not to proceed further on the matter:

> A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings.

Petitioner's rights to procedural due process and to fundamental fairness within the forum all were injured as a consequence of granting bifurcation.

III. The decree of bifurcation served to vitiate the interests of Petitioner and contravene the avowed policy of the divorce code to promote justice and equity between the parties.

Bifurcation of a divorce action is permitted pursuant to statute which allows the Court to separate granting of a divorce from resolution of economic claims. 23 P.S. Sec. 401 (b).

In *Beamer v. Beamer*, 479 A.2d 485 (Pa. Super. 1984), the Court announced that under the new Code it possessed "broad equitable powers to protect the interest of the parties or to effectuate the purpose of this act. " id. at 488. It made clear that one of the purposes of the Code is to "[e]effectuate economic justice between parties who are divorced or separated and . . . insure a fair and just determination and settlement of their property rights." id. at 488. See also 23 P.S. Sec. 102(a)(6). Clearly, the letter and spirit of this mandate has abeen absent in the case at bar.

In *Fenstermaker v. Fenstermaker*, 502 A.2d 185 (Pa. Super. 1985), the Court reiterated the aforementioned policy and, in addition, held that the "trial court is required, pursuant to request by party to bifurcate, to carefully study case and evaluate advantages and disadvantages of bifurcation on a case-by-case basis, and trial judge must review facts of the case and not make a pro forma decision to bifurcate. "

Wolk v. Wolk, 318 Pa. Super. 311, 464 A.2d 1359 (1983), established the standards for evaluating petitions for bifurcation. In Wolk, a case in which a decision to bifurcate was reversed and remanded, the Superior Court determined that while it was the intent of the legislature to permit bifurcation, the decision to bifurcate should not be made pro forma, but must be based upon a determination of the advantages and

disadvantages in each case. Only when the benefits outweigh the disadvantages should bifurcation be granted.

Respondent's interests are clearly being promoted by a bifurcation. Why? Because all of the parties property is in her possession. She was given "without prejudice" the entire escrow from the sale of the parties' home. Although the Petitioner gave the trial court evidence of over $350,000.00 spent in legal fees alone defending against Respondent's fraudulent divorce action, the Respondent continues to insist that the Petitioner has not given an accounting of the monies taken out of pensions. Petitioner continues to be albatrossed with a $147,000.00 judgment for alleged arrearage owed even though Respondent has already received over $128,666.00 from the escrow account and from disability coerced out of Petitioner under circumstances of gross overreaching and duress in the July 25, 1994 "agreement".

In granting Respondent a bifurcated divorce, the Respondent will have no incentive to resolve the economic claims and Petitioner will continue in his harmed position indefinitely with the economic and perjury issues continued to be postponed as has been the case up until now.

One of the basis upon which the Respondent's bifurcation is predicated is upon the Petitioner's withdrawal of his exceptions to the Divorce Master's Report of June 10, 1994, per the July 25, 1994 "agreement". (App. Vol. Vll, R.R. 1319-1328.). However, as amply described in previous petitions that agreement was coerced out of the Petitioner under circumstances of gross overreaching and duress. Petitioner's

withdrawal of exceptions then was absolutely involuntary and such does not constitute a valid withdrawal of those exceptions. In fact, on December 30, 1994, even prior to Respondent's Petition for Bifurcation, the Petitioner filed a Petition with the trial court entitled *Petition to Keep Defendant's Exceptions to the Divorce Master's Repcrt Intact.* (App. Vol. VII, R. R. 3938-3941)

Petitioner is just as anxious to move on with his life as the Respondent claims she is anxious to move on with her life. However, the trial court's decree of bifurcation would allow no resolution of the outstanding economic claims. It would also offer no resolution of Respondent's perjury and fraud and the economic consequences to the Petitioner would be tantamount to continuing the Petitioner's persecuted and oppressed state, while allowing the Respondent to go scot free after all the damage and havoc she has wrought.

Again, to reiterate, the Divorce Code seeks to promote "economic justice" between the parties which clearly is absent in the instant case. Moreover, the issue of extrinsic fraud which is clearly implicated in the entire matter, argues in favor of overturning the decree of bifurcation.

IV. The Civil Rights Act of 1871, as amended 42 U.S.C. Sec. 1983 provides a remedy to Petitioner for due process violations occurring within domestic proceedings.

The domestic relations exception to federal jurisdiction and the abstention doctrines are irrelevant here.

> The "unflagging obligation" of the federal courts to exercise their jurisdiction" is particularly weighty when those seeking a hearing in federal court are asserting . . . their right to relief under 42 U.S.C. Sec. 1983. *Signad, Inc. v. City of Sugar Land,* 753 F.2d 1338, 1340 (5th Cir.), *cert denied,*_____ U.S._____ , 106 S.Ct. 75, 88 L Ed. 2d 61 (1985) (quoting *Tovar v. Willmeyer*, 609 F.2d 1291, 1293 (9th Cir. 1979), *cert denied*, 469 U.S. 872, 105 S.Ct. 223, 83 L.Ed. 2d 152.

Nor does the Eleventh Amendment or judicial immunity doctrines shield these defendants from the scrutiny and remedial purposes of the 42 U. S.C. 1983 et seq. civil rights statutes as the defendants would like this Court to believe. In *Drollinger v. Milligan*, 552 F.2d 1220 (1977) the circuit court stated:

> We also disagree with the district court's finding that the defendants are not "persons" within the meaning of Sec. 1983. State officers acting under color of state authority are properly "persons" who may be defendants in a civil rights suit. *Monroe v. Pape* 365 U.S. 167, at 172, 81 S.Ct. 473, 5 L.Ed.2d 492. Our court has held in numerous cases that judges, as well as officers of the court, are not immune from Sec. 1983 suits seeking equitable relief, and therefore, has found that complaints charging them as defendants sufficiently state a cause of action. *Jacobson v. Schaefer*, 441 F 2d 127, 129 (7th Cir.1971); *Littleton v. Bergling*, 468 F.2d 389, 408 (7th Cir. 1972), reversed on other grounds sub nom, *O'Shea v. Littleton*, 414 U.S. 488, 94 S.Ct. 669, 38 L.Ed.2d 674 (1974). *Cf. Pierson v. Ray*, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed. 2d 288 (1967).
>
> Under the landmark decision in *Ex Parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), a federal

> court, consistent with the Eleventh Amendment, may enjoin state officials to conform their future conduct to the requirements of federal law, even though such an injunction may have an ancillary effect on the state treasury.

Quern v. Jordan, 99 S.Ct. 1139, 1143 (1979) (citations omitted)

> . . . in *Ex Parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L. Ed. 714, the Court held that, although prohibited from giving orders directly to a state, federal courts could enjoin state officials in their official capacities. And in *Edelman v. Jordan*, 415 U.S. 651, 94 S.Ct. 1347, 39 L.Ed.2d 662, the Court held that the Amendments grants the States an immunity from retroactive relief, it reaffirmed the principle that state officers are not immune from prospective injunctive relief.

Quern v. Jordan, supra.

It is axiomatic that the 42 U.S.C. Sec. 1983 statutes are directed at the state and its officers and those in cahoots with them when their customs, policies or actions result in the deprivations of an injury to federal rights. Those actions do not even have to be intentional and deliberate to bring them within the ambit of the civil rights statutes. Petitioner has properly invoked the federal forum to address these federal issues.

> The very purpose of 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights--to protect the people from unconstitutional action under color of state law, "whether that action be executive, legislative, or judicial.".
> *Mitchum v. Foster*, 407 U S. 225, 242, 92 S.Ct. 2151, 2162, 32 L.Ed.2d 705 (1972) (quoting *Ex Parte Virginia*, 100 U.S. 339, 346, 25 L.Ed. 676

> (1979). It is clear from the legislative debates surrounding passage of 1983's predecessor that the Act was intended to enforce the provisions of the Fourteenth Amendment against State action . . . whether that action be executive, legislative, or judicial.

Ex Parte Virginia, 100 U.S. 339, 346, 25 L.Ed. 676.

> Of course, for a claim under Section 1983, a conspiracy as such is not an indispensable element as it is under Section 1985.

Manxell v. Saunders, 372 F.2d 573, 576 (5th Cir. 1967):

> We hold that the appellants stated causes of action under 42 USCA Section 1983. The statute embraces deprivation or both due process of law and equal protection of the laws, and the action charged was under color of state law . . .**through unconstitutional application of a law by conspiracy or otherwise.**

Mizell v. North Broward Hospital District, 427 F.2d 468, 472 (5Th Cir. 1970).

> . . . As Representative Lowe stated, the "records of the [state] tribunals are searched in vain for evidence of effective redress [of federally secured rights].... Hence this bill throws open the doors of the United States courts to those whose rights under the Constitution are denied or impaired.

Mitchum v. Foster, 92 S.Ct. 2151, 2161 (1972) citing Cong. Globe, 42nd Cong., 1st Sess., 374-376 (1871).

> Proponents of the legislation noted that state courts were being used to harass and injure individuals, either because the state courts were powerless to stop deprivations or were in league with those who were bent upon abrogation of federally protected rights.

Mitchum v. Foster, supra, 92 S.Ct. at 2161.

> . . . Representative Perry concluded: Sheriffs, having eyes to see, see not; judges, having ears to hear, hear not; witnesses conceal the truth or falsify it; . . . Among the most dangerous things an injured party can do is to appeal to justice. Id, at 653.

Mitchum v. Foster, supra, 92 S.Ct. at 2161.

> A state official in his or her official capacity, when sued for injunctive relief, would be a person under Section 1983 because "official capacity" actions for prospective relief are not treated as actions against the State.

Hafer v. Memo, 116 L Ed. 2d 301, 311 (citations omitted).

The Civil Rights Act of 1871 as amended 42 U.S.C. Sec. 1983 does not exclude remedies for due process violations occurring within domestic relations proceedings. The Civil Rights Act of 1871 as amended 42 U. S. C. Sec. 1983 embraces actions for damages for deprivations of constitutional rights occurring within domestic relations proceedings. The domestic relations exception is inapplicable because Petitioner is not asking the Court to decide or change the status of a divorce, custody, or support decree. Instead, he seeks a determination as to whether the policies, customs and actions on the part of state entities and state personnel proximately caused the injuries to his federal rights. Further, he invokes the civil rights statutes to enjoin these defendants to conform their future conduct within constitutional standards.

Without getting "enmeshed" in any "domestic relations issues", Petitioner can easily demonstrate that a bad faith legal action was maintained against him with no intention of a valid conviction but one falsely maintained as a vehicle for unjust

enrichment, and that this was made possible because of the judicial defendants' deliberate indifference and callous disregard of his federally protected rights.

The Court need not "enmesh" itself with divorce and custody issues to adjudicate his federal claims. What it needs to determine is whether the judicial defendants and judicial policing agencies knowingly or unknowingly acquiesced in customs, policies and actions which resulted in deprivations of and injury to constitutional rights. Section 1983 makes clear that a Plaintiff does not have to exhaust his state remedies in order to bring his action in the federal forum. Nor must a Plaintiff bring his constitutional claims through the state system even if there is a state remedy. Plaintiff is free to choose either the federal forum or the state forum to litigate federal claims. It would be preposterous to ask a litigant to wait until the end of the state "litigation" before filing a civil rights action when it is that litigation that is proceeding corruptly or is, under color of state law, otherwise causing injury to federal rights.

> The availability to plaintiff of relief under state law does not by itself justify abstention by a federal even if abstention in such a case would avoid the need to adjudicate a constitutional question. It has been established since *Home Telephone & Telegraph C. v. City of Los Angeles*, 227 US 278, 33 S.Ct. 312, 57 L Ed. 510(1913), that federal courts have the power to enjoin unconstitutional state action even if such action is illegal under state law and hence remedial in state courts . . . And it has been established at least since *Monroe v. Pape*, 365 U.S. 167, 81 S.Ct. 473, 5 L. Ed 2d 492 (1961), that 42 U.S.C. Sec. 1983 provides a remedy to those injured by unconstitutional

state action even "if the State has a law which if enforced would give remedy. **The federal remedy is supplementary to the state remedy, and the latter need not be first sought and refused before the federal one is invoked**". 365 U.S. at 183 F. 2d 101, 112.

Schall v. Joyce, 885 F. 2d 101, 112.

CONCLUSION

For these various reasons, this petition for certiorari should be granted. The record is replete with due process violations of Petitioner's rights which are so egregious as to compel remedial relief. Petitioner urges this Honorable Court to take cognizance of his claims so unremittingly pursued in lower tribunals and grant the petition.

Respectfully submitted,

8/03/96

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APENDIX

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Appendix Within the Petition For Writ of Certiorari

ORDERS AND OPINIONS (STATE) DEALING WITH RECUSAL/BIFURCATION

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Appendix A (Federal)

Most recent two orders with Memorandum from U.S. District Court for the Eastern District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit.

Transcript of May 23, 1996 "Sanction" hearing in front of Judge James M. Kelly in U.S. District Court for the Eastern District of Pennsylvania.

Appendix C (State)

Most recent denied Orders of the Supreme Court of Pennsylvania dealing with the Recusal/Bifurcation

The Concise Statement of the Case.

Not Formatted:

Plaintiff's Lodged Appendix ***(Available upon request)***

Volume VII (State)
Denied State Orders and Opinions, RR 3816-RR 3843
Recusal/Bifurcation Matters RR 3844-RR 4022

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

PAUL J. SCHAPIRO	:	**No. 848 E.D. Allocatur**
	:	**Docket, 1995**
	:	
Petitioner	:	**Petitioner for Allowance of**
	:	**Appeal from the Superior**
v.	:	**Court.**
	:	
SARITA R. SCHAPIRO	:	
	:	
Respondent	:	
	:	
	:	
	:	
	:	

ORDER

PER CURIAM:

AND NOW, this 8th day of May, 1996, the Petition for Allowance of Appeal is denied.

Madame Justice Sandra Schultz Newman did not participate in the consideration or decision of this case.

TRUE COPY FROM THE RECORD
ATTEST: May 8, 1996

PATRICIA JOHNSON
Chief Clerk
Supreme Court of Pennsylvania
Eastern District

IN THE SUPREME COURT OF PENNSYLVANIA

PAUL J. SCHAPIRO,	:	**No. 756 Eastern District**
	:	**Allocatur Docket 1995**
Petitioner	:	
	:	
v.	:	**Petition for Allowance of**
	:	**Appeal from the Superior**
SARITA SCHAPIRO,	:	**Court**
	:	
Respondent	:	
	:	
	:	
	:	
	:	

ORDER

PER CURIAM

AND NOW, this 9th day of May, 1996, the Petition for Allowance of Appeal is denied.

Madame Justice Sandra Schultz Newman did not participate in the consideration or decision of this case.

TRUE COPY FROM THE RECORD
Attest: 5/9/96

_____

John W. Person, Esquire
Deputy Prothonotary
Supreme Court of Pennsylvania
Eastern District

Astor Weiss Kaplan & Rosenblum
Attorneys at Law
The Bellevue
Broad Street at Walnut, 6th Floor
Philadelphia, PA 19102

October 3, 1995

Charles W. Johns, Esquire
Prothonotary
Supreme Court of Pennsylvania
Room 468, City Hall
Philadelphia, PA 19107

Re: Paul J. Schapiro v. Sarita Schapiro
No. 0756 E.D. Allocatur Docket 1995

Dear Mr. Johns:

I just received notification of the filing of the above-captioned Petition for Allowance of Appeal. I will not be filing a Brief in opposition to the Petition for Allowance of Appeal. I request that the Order of the Superior Court be affirmed and that the Petition be denied for the reasons set forth in our Motion to Quash the Appeal.

I also point out that the Appellant has included many extraneous matters in his Petition for Allowance of Appeal, which should be disregarded by the Court.

Respectfully

DAVID GUTIN
Attorney for Sarita Schapiro

DG:po

cc: George E. Walker, Esquire
Dr. Paul J. Schapiro
Dr. Sarita Schapiro

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

SARITA SCHAPIRO,	:	**No. 120 Eastern District**
	:	**Miscellaneous Docket**
Plaintiff/Respondent	:	**1996**
	:	
v.	:	
	:	
PAUL SCHAPIRO,	:	
	:	
Defendant/Plaintiff	:	

ORDER

PER CURIAM:

AND NOW, this 27th day of June 1996, the application for extraordinary relief pursuant to Rule 3309 for extreme urgent emergency supersedes stay is **DENIED**.

Madame Justice Newman did not participate in this matter.

TRUE COPY FROM RECORD
Attest: June 27, 1996

_____

John W. Person, Esq.
Deputy Prothonotary
Supreme Court of Pennsylvania
Eastern District

IN THE SUPREME COURT OF PENNSYLVANIA
Eastern District

SARITA SCHAPIRO	:	**No. 99 E.D. Misc. Dkt.1995**
	:	**(No. 967**
v.	:	**Philadelphia 1995)**
	:	**(No. 1179**
PAUL J. SCHAPIRO,	:	**Philadelphia 1995)**
Petitioner	:	

ORDER

PER CURIAM:

AND NOW, this 13th day of October, 1995, the Motion for Reargument and Motion for Clarification and Specific Findings are denied.

Mr. Justice Montemuro is sitting by designation.

TRUE COPY FROM RECORD
Attest: October 13, 1995

PATRICIA JOHNSON
Chief Clerk
Supreme Court of Pennsylvania
Eastern District

IN THE SUPREME COURT OF PENNSYLVANIA
Eastern District

SARITA SCHAPIRO	**: No. 99 E.D. Misc. Dkt.1995**
	:
v.	:
	:
PAUL J. SCHAPIRO,	:
Petitioner	:

ORDER

PER CURIAM:

AND NOW, this 27th day of July, 1995, the Petition for Extraordinary Relief is denied.

Mr. Justice Montemuro is sitting by designation.

TRUE COPY FROM RECORD
Attest: July 27, 1995

PATRICIA JOHNSON
Chief Clerk
Supreme Court of Pennsylvania
Eastern District

IN THE SUPREME COURT OF PENNSYLVANIA
Eastern District

SARITA SCHAPIRO	**: No. 54 E.D. Misc., Dkt.1995**
	:
v.	:
	:
PAUL J. SCHAPIRO,	:
Petitioner	:

ORDER

PER CURIAM:

AND NOW, this 31st day of March, 1995, the Application for Extraordinary Relief is denied.

Mr. Justice Montemuro is sitting by designation.

TRUE COPY FROM RECORD
Attest: April 3, 1995

PATRICIA JOHNSON
Chief Clerk
Supreme Court of Pennsylvania
Eastern District

The Superior Court of Pennsylvania
Office of the Prothonotary
630 Walnut Street
3rd Floor , Suite 315
Philadelphia, Pennsylvania 19106

September 25, 1995

George E. Walker, Esq.
234-236 S. Eighth Street
Courtyard Entrance
Phila., Pa. 19107

Re: Sarita Schapiro v. Paul J. Schapiro, Appellant
No. 1179 Philadelphia 1995

Dear Mr. Walker:

This is to advise that the following Order has been entered in the above-captioned matter:

"AND NOW, September 25, 1995. Motion for Reconsideration is DENIED .

s/ Per Curiam"

Very truly yours,

_David A. Szewczak
Prothonotary

DAS: sd
cc: David Gutin, Esq.
cc: Honorable Albert Subers

SARITA SCHAPIRO	:	**IN THE SUPERIOR**
	:	**COURT**
	:	**PENNSYLVANIA**
v.	:	
	:	
PAUL J. SCHAPIRO,	:	
Appellant	:	**No. 01179 Philadelphia 1995**
	:	**(C.P. Montgomery County**
	:	**No. 91 - 18417)**

ORDER

The court hereby grants the motion to quash this appeal.

PER CURIAM

DATE: August 9, 1995

The Superior Court of Pennsylvania
Office of the Prothonotary
530 Walnut Street
3rd Floor , Suite 315
Philadelphia, Pennsylvania 19106

August 16, 1995

George E. Walker, Esq.
234 - 236 S. Eighth Street
Courtyard Entrance
Phila., Pa. 19107

Re: SARITA SCHAPIRO V.
PAUL J. SCHAPIRO, Appellant
No. 967 Philadelphia 1995

Dear Mr. Walker:

This is to advise that the following Order has been entered in the above-captioned matter:

"AND NOW, August 16, 1995, Appellant's Motion for Reconsideration is DENIED .

Per Curiam"

Very truly yours,

David A. Szewczak
Prothonotary

DAS: cg
cc: David Gutin, Esquire

SARITA SCHAPIRO	**: IN THE SUPERIOR**
	: COURT
	: PENNSYLVANIA
v.	**:**
	:
PAUL J. SCHAPIRO,	**:**
Appellant	**: No. 00967 Philadelphia 1995**
	: (C.P. Montgomery County
	: No. 91 - 18417)

ORDER

The court hereby grants the motion to quash this appeal.

PER CURIAM

DATE: July 31, 1995

SARITA SCHAPIRO	:	**IN THE SUPERIOR**
	:	**COURT**
	:	**PENNSYLVANIA**
v.	:	
	:	
PAUL J. SCHAPIRO,	:	
Appellant	:	**No. 967 & 1179 Philadelphia 1995**
		(C.P. Montgomery County No. 91 - 18417)

FILED:
August 16,1995

ORDER

The motion for consolidation is **DENIED**. The motion for stay is **DENIED**.

PER CURIAM

SARITA SCHAPIRO	:	**IN THE SUPERIOR COURT**
	:	**PENNSYLVANIA**
v.	:	
	:	
PAUL J. SCHAPIRO,	:	
Appellant	:	**No. 00967 Philadelphia 1995**

ORDER

AND NOW, this 23rd day of March, 1995, upon consideration of Appellant's Emergency Disposition for Supersedeas Stay of All Proceedings, **IT IS HEREBY** ordered that the petition is **DENIED**.

PER CURIAM

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA FAMILY DIVISION

SARITA SCHAPIRO	:	**NO. 91-18417**
VS.	:	
PAUL SCHAPIRO	:	

ORDER RE ORAL ARGUMENT DEFENDANT'S PETITION FOR RECUSAL OR THE HONORABLE ALBERT R. SUBERS

AND NOW, this 10th day of January, 1995, Oral Argument on Defendants Petition for Recusal of The Honorable Albert R. Subers in the above matter is scheduled for Friday, January 27, 1995, at 9:00 a.m. in Court Room "F", Montgomery County Court House, Norristown, Pennsylvania.

BY THE COURT:

ALBERT R. SUBER, J

Copies mailed to the
following on 1/10/95:

David Gutin, Esquire
George E Walker, Esquire
Paul Schapiro, pro se
Court Administration - Argument Section

_____
Secretary

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

SARITA SCHAPIRO	:	**NO. 91-18417**
VS.	:	
PAUL SCHAPIRO	:	

AND NOW, January 27, 1995 Defendant's Petition for recusal of the Honorable Albert R. Subers is hereby continued.

Counsel for defendant did not appear (George Walker, Esq.)

BY THE COURT:

ALBERT R. SUBERS

Plaintiff Atty. David Gutin
Defense - Pro Se
Reporter Pamela Moran
Clerk E. Van Bushack

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA FAMILY DIVISION

SARITA SCHAPIRO : NO. 91-18417

VS. :

PAUL SCHAPIRO :

AMENDED ORDER RE ORAL ARGUMENT ON DEFENDANT'S PETITION FOR RECUSAL OF THE HONORABLE ALBERT R. SUBERS

AND NOW, this 30th day of January, 1995, Oral Argument on Defendants Petition for Recusal of The Honorable Albert R. Subers in the above matter is scheduled for Tuesday, February 21st, 1995, at 9:30 a.m. in Court Room "F", Montgomery County Court House, Norristown, Pennsylvania.

BY THE COURT:

ALBERT R. SUBERS, J

Copy of the above Order sent to:

David Gutin, Esquire
George E Walker, Esquire
Paul Schapiro
by:

Secretary
CC: Court Administration - Argument Section

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

SARITA SCHAPIRO	:	**NO. 91-18417**
VS.	:	
PAUL SCHAPIRO	:	**Oral Argument**

AND NOW, February 21, 1995 Defendant's Petition for recusal of the Honorable Albert R. Subers is hereby **Dismissed** by the Court.

BY THE COURT:

ALBERT R. SUBERS

Plaintiff Atty. David Gutin
Defense - Pro Se
Reporter Patricia Murphy
Clerk E. Van Bushack

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

SARITA SCHAPIRO : **NO: 91 -1 8417**

VS. :

PAUL SCHAPIRO :

ORDER

AND NOW, this 9th day of March, 1995, It is hereby ORDERED and DECREED that Defendant's Petition to Appeal Judge Suber's Dismissal of his Own Recusal Hearing filed pro se, which has not been filed with any Appellate Court shall be considered as a Motion for Reconsideration of the Order of this Court of February 21st, 1995, which dismissed the Motion for Recusal for failure of Counsel to appear and prosecute said Motion. The Motion for Reconsideration is DENIED.

BY THE COURT:

_____

ALBERT R. SUBERS, J.

Copy of the above Order sent to:
David Gutin, Esquire
George E. Walker, Esquire
Dr. Paul Schapiro by:

_____

Secretary

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA

SARITA SCHAPIRO :
Plaintiff,

vs. :

91-18417

PAUL J. SCHAPIRO, :
Defendant

NOTICE OF APPEAL

Notice is hereby given that Dr. Paul J. Schapiro above named hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on March 9, 1995 by Judge Albert Subers in the Montgomery County Court, denying Dr. Paul J. Schapiro's Petition to Appeal Judge Suber's Dismissal of his Own Recusal Hearing filed February 27, 1995.

Respectfully Submitted,

_____

Paul J. Schapiro, D.P.M.

ASTOR WEISS KAPLAN & ROSENBLUM
BY: DAVID GUTIN, ESQUIRE
IDENTIFICATION NO. 15825
3 BALA PLAZA WEST SUITE 100
P. O. BOX .1665 **ATTORNEY FOR PLAINTIFF**
BALA CYNWYD, PA 19004
(610) 667-8660

SARITA R. SCHAPIRO **COURT OF COMMON PLEAS**
MONTGOMERY COUNTY
vs. **CIVIL ACTION**

PAUL J. SCHAPIRO **NO. 91-18417**

IN DIVORCE

ORDER

AND NOW, this 24th day of March, 1995, upon consideration of Plaintiff's Petition for Bifurcation, it is hereby **ORDERED** and **DECREED** that SARITA R. SCHAPIRO, Plaintiff, and PAUL J. SCHAPIRO, Defendant, are divorced from the bonds of matrimony.

The Court retains jurisdiction of any pending economic claims raised by either party.

BY THE COURT:

_____
SUBERS. ALBERT R., JUDGE

cc: David Gutin, Esquire
George E. Walker, Esquire

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SARITA SCHAPIRO	:	**NO. 91-18417**
v.	:	
PAUL JAY SCHAPIRO	:	

OPINION

SUBERS, J. **MAY 16, 1995**

Before the Court is Defendant's appeal from this Court's Order dated March 9, 1995, which denied his Petition for Reconsideration. Pursuant to Court Order dated March 20, 1995, defendant filed a Concise Statement of Matters Complained of on Appeal on April 3, 1995, which addressed numerous issues beyond the specific issue addressed in this Court's March 9, 1995 Order. The issues complained of beyond the specific issue before the Court will not be addressed.

Plaintiff initiated divorce proceedings by filing a complaint on September 25, 1991. Defendant complains of bias and injustice in the Montgomery County Court system as the sole reason that this divorce and ancillary issues have dragged on for nearly four (4) years. Even a cursory review of the record reveals the true source of delay.

For the first two years of litigation, defendant evaded a bench warrant issued due to his failure/refusal to pay child support payments to the plaintiff on behalf of their two children, Jillian, born August 5, 1980, and Lauren born September 16, 1985. Defendant was ultimately apprehended after suffering serious injuries in a one vehicle accident. This Court became specifically involved with this case when defendant appeared as a result of his apprehension. Since that time hearings have been scheduled, to address different issues, no less than six (6) times. Defendant has repeatedly thwarted nearly every attempt to reach the merits of each petition.

Defendant filed the Petition for Recusal on December 20, 1994, and a second copy of the identical petition was filed on December 23, 1994. This Court issued an Order on January 10, 1995 setting Oral Argument for January 27, 1995. Defendant, despite nine (9) attorneys of record, appeared at the hearing without counsel) causing this Court to continue the argument to February 21, 1995, to enable any one of defendant's counsel to appear on his behalf. Again, on February 21, 1995, defendant appeared without counsel, and informed

the court that if four of his demands were met, he would drop the Recusal.[1] Prior to the hearing of February 21, 1995, defendant's most recent attorney of record, George Walker, Esquire informed the Court by letter that

he would be withdrawing the petition for Recusal, in order to move forward on the other issues. Since Mr. Walker failed to appear at the hearing, defendant on his own, insisted the Petition to Recuse stand. Following a Motion to Dismiss by the Plaintiff, the Court proceeded to dismiss the Petition on the basis that Defendant twice appeared without counsel which prevented the Court from proceeding on the merits of his petition. Also in consideration were two upcoming hearing dates on February 27, 1995 and March 3, 1995 in which fifteen (15) outstanding petitions on the issues of custody, alimony, child support and bifurcation were supposed to be addressed. To continue the Petition to Recuse argument to a third hearing date would allow the defendant to frustrate the system yet again, and continue on his crusade to avoid and thus prevent any Court proceeding which he anticipates may not grant his motion or may rule in favor of the plaintiff.

Defendant, at the time of his Petition to Recuse, had no

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[1] See Notes of Testimony, 2/231/95 at page 2.

basis to evaluate any possible bias of this Court, because up until this time, he had successfully prevented this Court from ruling on the merits of any of the over fifteen (15) outstanding petitions. Furthermore, minutes prior to the February 27, 1995 hearing, defendant filed a "Petition to Appeal Judge Subers Dismissal of Recusal Hearing" with the Montgomery County Prothonotary, which at the time, this Court believed to be an appeal to Superior Court, which would then remove jurisdiction, and consequently, the hearing on the petitions set for February 27, 1995 were continued. Later examination of the petition and docket entries revealed that defendant had not filed an appeal with the Superior Court, but had filed this "appeal" at the trial court level. Despite nine (9) attorney's of record, defendant filed this petition pro se, thus presenting to the court an ambiguous document which did not follow any rules of procedure. As a result, this Court decided to treat the "appeal" at the trial level as a Motion for Reconsideration, which this Court denied in the Order dated March 9, 1995. This is the Order from which defendant has appealed, the denial of his "appeal" which was treated as a Motion for Reconsideration. Defendant failed to properly appeal the dismissal of his Petition to Recuse, which was entered on February 21, 1995.

This case is a frightening example of a defendant who attempts to proceed pro se, and ignore the advice of his numerous attorneys. He repeatedly files redundant, excessive, ambiguous, procedurally incorrect, frivolous petitions which interfere with the Court's ability to reach the truly valid issues before the Court. There are several extremely important issues in this case, such as child support and custody, which need to be addressed in a timely manner. Defendant's conduct, in the form of this Petition to Recuse, is just another example of his conduct preventing the Court or the Plaintiff from proceeding with and resolving these critical issues. This defendant may very well have valid arguments with regards to custody, alimony and child support, but it is his own actions which refute all attempts by the Plaintiff and the courts to proceed on each issue.

CONCLUSION

For the foregoing reasons, this Court's Order dated March 9, 1995 should be **AFFIRMED**..

BY THE COURT

Albert R. Subers, J.

Copies of the foregoing opinion sent to:
David Gutin, Esquire.
George Walker, Esquire
Paul J. Schapiro, Defendant
by

_____
Secretary

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SARITA SCHAPIRO : **NO. 91 - 18417**

v. :

PAUL JAY SCHAPIRO :

OPINION

SUBERS, J. **MAY 16, 1995**

Before the Court is an appeal from this Court's Order dated March 24, 1995, which granted a bifurcated divorce in favor of the plaintiff.. No Concise Statement of Matters Complained of on Appeal has ever been filed by the defendant addressing the appeal of this Court's March 24, 1995 Order, docketed at No. 1 179 PHL 1995, (Pa.Super.).

Defendant filed a prior appeal on a separate issue, from this Court's Order dated March 9, 1995, which denied a Petition for Reconsideration by the defendant. Pursuant to Court Order dated March 20, 1995, defendant did file a Concise Statement of Matters Complained of on Appeal on April 3, 1995, which addressed numerous issues beyond the specific issue addressed in this Court's March 9, 1995 Order. A separate Opinion has been filed addressing those issues, under Pennsylvania Superior Court docket number 967 PHL 1995.

The purpose of Pennsylvania Rule of Appellate Procedure 1925(b), Statement of Matters Complained Of, is to specify the particular issues which the defendant intends to present on appeal in order to permit the trial court the opportunity to provide the appellate court with a focused and meaningful explanation for challenged actions. Commonwealth v. Osteen, 381 Pa. Super. 120, 552 A.2d 1124 (1989).

The lower court forthwith may enter an order directing the appellant to file of record in the lower court and serve on the trial judge a concise statement of the matters complained of on the appeal no later than 14 days after entry of such order. A failure to comply with such direction may be considered by the appellate court as a waiver of all objections to the order, ruling or other matter complained of. Pa.R.A.P. 1925(b).

Unless the Statement of Matters Complained Of On Appeal is filed with the lower court in the appointed time period, it is impossible for this Court to address the allegations of error on appeal. As far as this Court is aware, the only error alleged by the defendant is that this Court ruled against him.

In the event the Superior Court decides to reach the merits of this appeal, bifurcation is an available remedy pursuant to 23 Pa.C.S.A. §3323(c) which states:

> In the event that the court is unable ***for any reason*** to determine and dispose of the matters provided for in subsection (b) within 30 days after the report of the master has been filed, it may enter
> a decree of divorce or annulment. 23 Pa.C.S.A. §3323(c)***(emphasis added).***

The Master's report in this case was filed on June 10, 1994 in which the Master recommended, after an extensive series of hearings, that a decree in divorce be granted on the grounds of irretrievable breakdown.

Defendant's excessive misuse of the judicial system to periodically delay or avoid hearings by filing a surfeit of frivolous motions, appearing without counsel despite nine (9) attorneys of record, and failing to appear in court altogether, causing a bench warrant to be issued, makes this the exact type of case where bifurcation is most needed. Defendant, Paul J. Schapiro, has attempted to paralyze the Montgomery County Courts in his quest to prevent a divorce by his wife. Bifurcation was the only option available to the Court and to the Plaintiff, Sarita Schapiro, who expressed a specific desire to remarry and to allow these parties to begin restructuring their lives after nearly four (4) years of bitter litigation. See Wolf v. Wolf; 318 Pa.Super. 311, 464 A.2d 1359 (1983).

CONCLUSION

For the foregoing reasons, the appeal should be quashed or in the alternative this Court's Order dated March 24, 1995 should be **AFFIRMED..**

BY THE COURT

_____

Albert R. Subers, J.

Copies of the foregoing opinion sent to:
David Gutin, Esquire
George Walker, Esquire
Paul J. Schapiro, Defendant
by

_____

Secretary

IN THE MONTGOMERY COUNTY COURT OF COMMON PLEAS

PAUL J. SCHAPIRO
Defendant

v. **91-18417**

SARITA SCHAPIRO
Plaintiff

CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL TO THE SUPERIOR COURT OF PENNSYLVANIA

1. Does Judge Subers have the right to ignore PA Rules of Appellate Procedures Rule 1701 regarding subject matter jurisdiction where the Appellant has filed an appeal of the dismissal of his recusal to the Superior Court of Pennsylvania (967 PHL 95), thereby divesting the Montgomery County Court of all jurisdiction?

2. Has the Appellant's Application for Extraordinary Relief pursuant to Rule 3309 for Emergency Supersedeas Stay of All Proceedings in the Montgomery County Court Pending Review by the Supreme Court of Pennsylvania of the Bias and Conflicts of interest Bearing on their Integrity divested the Montgomery County Court of jurisdiction (No. 54 ED. Misc. Docket 1995), the application of which Judge Subers received and was aware,

mandating the vacating of all subsequent orders issued by Judge Subers?

3. Can Judge Subers deny appellant his due process rights to proceed on his motion for recusal on the basis of his attorney's absence when in fact his attorney, George E. Walker, Esquire, was present on February 27, 1995, and the motion for recusal could have been heard on that date?

4. Did Judge Subers have jurisdiction to preside over the Appellant's case and issue orders after the Appellant filed a notice of appeal on March 14, 1995, when Judge Subers himself on February 27, 1995 repeatedly stated that he no longer had jurisdiction to hear any issues of the case and when counsel for the other side, David Gutin agreed that "(Judge Subers's hands were tied until the appeal was either withdrawn or disposed of by the appellate court"?

5. Does Judge Subers' conduct in ignoring evidence of diminished capacity and duress in coercing the terms of the July 25, 1994 agreement, when he was subsequently on November 29, 1994 presented with an injunction apprising him of the circumstances under which he was induced to agree to the terms of that agreement, demonstrate incurable ill will against the Appellant, especially in light of the fact that Judge Subers

knew that the Appellant was recovering from near fatal injuries and had almost died since his serious car accident only two months earlier on May 10, 1994?

6. Has Judge Subers shown incurable bias and ill will towards the Defendant when he has been made aware that the Appellant's daughter, Jillian Schapiro, is being subjected to extreme and unjustified acts of physical and mental abuse in psychiatric hospitals, schools for problematic children, orchestrated by her mother, the Plaintiff, Sarita Schapiro, where Judge Subers has received letters from Jillian Schapiro demonstrating that she is being punished by her mother solely because she wants to live with her father, but Judge Subers has instead purposefully acted to prevent her testimony in court or to appoint the child a guardian ad litem to defend her?

7. Has the Appellant's fundamental right to present his side of the controversy in front of an unbiased tribunal been defeated by the bias and flagrant conflicts of interests of the Montgomery County Court Judges, in particular Judge Subers, with the law firm of Astor, Weiss, Kaplan and Rosenblum, entitling Appellant to the vacating and opening of all orders on the basis of extrinsic fraud, as well as on the basis of usurpation of jurisdiction?

8. Has Judge Albert Subers denied Appellant his rights to be heard in a fair and impartial manner when the record demonstrates gross and incurable bias, prejudice and ill will toward the appellant, mandating his recusal?

9. Has the Appellant been deprived of a fair presentation of the controversy in front of an unbiased tribunal when the record demonstrates that the actions of the Montgomery County Court has been one of protecting their own interests and covering up their wrongdoing by the continuous suppression of evidence and witnesses favorable to the Appellant and probative of their close relationship with the Astor Weiss and Newman law firm, mandating a change of venue of the instant case?

10. Was the appellant precluded from presenting his side of the controversy in front of an unbiased tribunal where it can be established that the law firm of Astor Weiss and Newman has in numerous previous cases before Judge Subers consistently prevailed for its clients and has had an undue influence over Judge Subers?

11. Is the Montgomery County Court compelled to vacate orders that were issued after the time it had been divested of jurisdiction by the Appellant's appeal to the Superior Court?

12. Has the corrupt and biased conduct of the Montgomery Court judges, in particular, Judge Subers, destroyed any meaningful resolution of the controversy by encouraging the contemptuous, malicious and extortionist behavior of the Plaintiff, in plain disregard of the Pennsylvania Divorce Statutes and case law, mandating a change of venue of the instant case?

13. Should Judge Subers' order of March 24, 1995 granting the Plaintiff's Petition for Bifurcation of the parties divorce case, where Judge Subers was apprised that the Appellant's withdrawal of his Exceptions to the Master's report was coerced out of him on July 24, 1994 and where Appellant had filed Petitions to keep his Exceptions intact, and when jurisdiction had been divested of the Montgomery County Court, be vacated on the basis of usurpation of jurisdiction and extrinsic fraud?

14. Should Judge Subers' order of March 27, 1995 dismissing his Emergency Petition for Writ of Habeas Corpus to Bring Jillian Schapiro Before the Montgomery County Court and Motion to Appoint Guardian Ad Litem for Jillian Schapiro, allowing her to present her custodial preferences and testify about the untruthfulness of her mother's testimony in regards to herself as well as the appellant, be vacated on the basis of usurpation of jurisdiction and extrinsic fraud?

15. Did Judge Subers usurp his jurisdiction by issuing a bench warrant against the Appellant in the March 24, 1995 hearing when he was apprised that the Appellant was at Abington Hospital for acute pain in the gallbladder and stomach and where evidence presented that he had been treated for similar symptoms on January 4 and January 8 at the same Hospital, and where he refused to allow the hearing to be held on the following Monday, and where the Montgomery Court had been divested of jurisdiction by the Appellant's appeal to the Superior Court?

16. Has the Schapiro v. Schapiro case degenerated into a quagmire wherein the Judges, in the process of covering up for their own wrongdoing, conflicts of interests with the law firm of Astor, Weiss and Newman, suppression of evidence and witnesses, unconstitutional delays, and grossly blatant illegalities of procedure, rendered it impossible for the Appellant to have a fair submission of the controversy in front of an unbiased tribunal, mandating a change of venue into another county?

Respectfully submitted,

Paul J. Schapiro D.P.M.

PAUL J. SCHAPIRO, D.P.M
Benson Manor, Suite 623
101 Washington Lane
Jenkintown, PA 19046

Date: 4/4/95

VERIFICATION

The undersigned verifies that the within

CONCISE STATEMENT OF MATTERS COMPLAINED UPON ON APPEAL TO THE SUPERIOR COURT OF PENNSYLVANIA

is true and correct to the best of his information, knowledge and belief. This Verification is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

4/4/95
Date

Paul J. Schapiro, D.P.M.
PAUL J. SCHAPIRO, D.P.M.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

August 8, 1996

George E. Walker
234-236 S. Eighth Street
Philadelphia, PA 19107

RE: Paul J. Schapiro v. Sarita R. Schapiro

Dear Mr. Walker:

The petition for a writ of certiorari mailed August 4, 1996, from Philadelphia was received August 7, 1996, and must be returned for the following reasons.

The type size of the petition does not comply with Rule 33.1(b). You have not included in the appendix to the petition the orders and/or opinions of the Superior Court of Pennsylvania that are mentioned in the caption of the cases before the Supreme Court of Pennsylvania. Nor are these items mentioned in the text of the petition. I do not find the $300.00 filing fee was submitted.

The corrected petitions must be received in this office within 60 days of the date of this letter. See Rule 14.5. The Rule 29 filing by mail Rule does not apply.

The purported lodgings are returned since the Court does not want to receive any record until the Court itself calls for the record. See Rule 12.7.

Sincerely,
William K. Suter, Clerk
By:

Francis J. Lorson
(202-479-3024

Enclosures

cc: Sarita Schapiro
Walter S. Jenkins
James O'Connell
Richard A. Fineman
Thomas Ciclone
David Gutin

No. _____ (V)

Supreme Court, U.S.
FILED
96-314 AUG 6 '96

In The
Supreme Court of the United States
October Term, 1995

PAUL J. SCHAPIRO,
Plaintiff/Petitioner

v.

SARITA R. SCHAPIRO

MONTGOMERY COUNTY COURT, ET AL
MONTGOMERY COUNTY COURT, DOMESTIC RELATIONS SECTION, DAVID GUTIN, HORACE A. DAVENPORT, HON. ROGER B. REYNOLDS, JR., BERNARD A. MOORE, HON. SAMUEL W. SALUS, II, HON. JOSEPH A. SMYTH, HON. ALBERT R. SUBERS, HON. RICHARD LOWE, HON. MATHEW SANTANGELO, SANDRA NEWMAN, HON., ROBERT KATZ, JEAN BISECKER, ASTOR WEISS KAPLAN & ROSENBLOOM, (FORMERLY ASTOR, WEISS AND NEWMAN), FAIGA RUBENSTEIN, LYNDA SMITH, SUPERIOR COURT OF PENNSYLVANIA, SUPREME COURT OF PENNSYLVANIA JUDICIAL CONDUCT BOARD, WILLIAM ARBUCKEL, III

Defendants/Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

NO. 848 E.D. ALLOCATUR DOCKET 1995 (BIFURCATION)
AND
NO. 756 E.D. ALLOCATUR DOCKET 1995 (RECUSAL)

PLAINTIFF'S APPENDIX

VOLUME A (Federal)

George E. Walker, Esquire
234-236 South Eighth Street
Courtyard Entrance
Philadelphia, PA 19107
(215) 925-7440

50 pp

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 95-1511

PAUL J. SCHAPIRO; ON BEHALF OF HIMSELF
AND
HIS DAUGHTERS, JILLIAN SCHAPIRO,
LAUREN SCHAPIRO

v.

MONTGOMERY COUNTY COURT, Domestic Relations Section; DAVID GUTIN; SARITA R. SCHAPIRO; HORACE A. DAVENPORT, HON.; ROGER B. REYNOLDS, JR.; BERNARD A. MOORE, HON.; SAMUEL W. SALUS, II, HON.; JOSEPH A. SMYTH, HON.; ALBERT R. SUBERS, HON,; RICHARD LOWE, HON.; MATHEW SANTANGELO, SANDRA NEWMAN, HON.; ROBERT KATZ; JEAN BISECKER; ASTOR WEISS KAPLAN ROSENBLOOM, (FORMERLY ASTOR, WEISS AND NEWMAN); FAIGA RUBENSTEIN; LYNDA SMITH; SUPERIOR COURT OF PENNSYLVANIA, SUPREME COURT OF PENNSYLVANIA; PENNSYLVANIA JUDICIAL CONDUCT BOARD; WILLIAM ARBUCKEL, III; SUPREME COURT DISCIPLINARY BOARD OF PENNSYLVANIA; JOHN L. DOHERTY; ALAN DAVIS

Paul J. Schapiro, Appellant

Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Civil Action No. 95-cv000986
(District Judge: Honorable James McGirr Kelly)

Submitted Under 3rd Circuit LAR 34.1 (a)
December 5, 1995

Before: BECKER, McKEE, and SEITZ,
Circuit Judges.

JUDGEMENT ORDER

After consideration of all contentions raised by appellant, and essentially for the reasons set forth in the opinion of Judge Kelly, it is

ADJUDGED AND ORDERED that the orderss of the district court of June 7, 1995 and July 11, 1995 be and is hereby AFFIRMED.

Parties to bear their own costs.

BY THE COURT:

Circuit Judge

Attest:

_____

P. Douglas Sisk, Clerk

Certified as a true copy and issued in lieu of a formal mandate on January 22, 1996

Teste:

Clerk, U.S. Court of Appeals for the Third Circuit.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL J. SCHAPIRO, on behalfof himself and his two minor children Jillian Schapiro and Lauren Schapiro	:	CIVIL ACTION
Plaintiff	:	
V.	:	
MONTGOMERY COUNTY COURT, ET AL.,	:	
Defendants	:	NO. 95-CV-0986

MEMORANDUM & ORDER

J.M. KELLY, J May 29, 1996

There are two Motions presently before the Court:

(1) Joint Motion for Sanctions and to enjoin Plaintiff from further Proceedings in this Court of Defendants Roger B. Rynolds, Jr., Mathew Santangelo, the Honorable Sandra Schultz Newman, David Guten, Robert Katz, Jean Biesecker, Astor Weiss Kaplan & Rosenblum, Sarita Schapiro and Faiga Rubenstein; and

(2) Plaintiff's Emergency Petition for Emergency Hearing in Front of a Judge to Correct, Modify, Reduce, and Eliminate; Support, Alimony Pendente Lite, Judgment, Bail, Bail Revoking and Imprisonment for the Past 4.5 Years Based on Merits of Case and for Other Special Relief ("Emergency Petition) The Court held a hearing on these Motions on May 23, 1996.

The above-captioned action, the second instituted by Plaintiff against the many named defendants, arises out of an ongoing divorce proceeding in the Court of Common Pleas of Montgomery County/ Family Division. On February 15, 1994, the court dismissed Plaintiff's first action, 93-CV-6175 ("1993 Action") relying on the abstention doctrine set forth by the United States Supreme Court in Younger v. Harris, 401 U.S. 37 (1971), and on Plaintiffls failure to prosecute. Plaintiff subsequently filed the above-captioned case, raising claims similar to those raised in the 1993 Action. In a Memorandum and Order dated June 7, 1995 ("June 7th Order"), the Court, relying again on the Younger abstention doctrine, dismissed with prejudice Plaintiff's Complaint. Plaintiff filed a notice of appeal of the June 7th Order [doc. number 39], and subsequently

filed a Motion for Reconsideration [doc. number 42]. The Court dismissed Plaintiff's Motion for Reconsideration because plaintiff had already appealed the June 7th Order [doc. number 43]. The United States Court of Appeals for the Third Circuit, however, stayed Plaintiff's appeal until this court decided Plaintiff's Motion for Reconsideration.

Cnsequently, Plaintiff filed a Motion requesting the Court to strike officially the Order dismissing Plaintiff 's Motion for consideration in light of the Third Circuit' s order [doc. number 46]. In a Memorandum and Order dated July 11, 1995, theCourt denied Plaintiff's Motion for Reconsideration on the merits ("July 11th Order") [doc. number 47]. Plaintiff then filed a Motion for Clarification and Specific Findings, which the Court denied. On December 5, 1996, the Third Circuit affirmed this Court's June 7th and July 11th Orders.

Plaintiff's most recent filing in this Court is a Judicial Notice of the Emergency Petition for Relief. It is unclear whether Plaintiff seeks a decision by this Court on his Emergency Petition, or

whether he merely desires to put the Court on Notice of the Emergency Petition. Although the cover sheet attached to the Emergency Petition includes the caption in the instant matter, the Emergency Petition itself has a caption from the Court of Common Pleas of Montgomery County, Family Division. Moreover, the Emergency Petition filed with the Court appears to be a photocopy, the original having been time-stamped as filed with the Office of the Prothonotary, Montgomery County, PA, 1996 Mar. 26 AM 9:26. Regardless of Plaintiff's intention, however, the Emergency Petition seeks relief that this Court cannot provide. The United States Supreme Court has instructed that domestic relations matters fall within the exclusive province of state courts. See. e.g., Ankenbrandt v. Richards, U.S. 689 (1992). If this Court were to grant Plaintiff the relief that he requests, it would be interfering with the pending domestic relations matter in Montgomery County. Pursuant to Younger v Harris, 401 U.S. 37 (1971), this Court should not and will not interfere with the pending state judicial proceedings Accordingly, Plaintiff's Emergency Petition will be denied.

In evaluating Defendants' request that the Court enjoin Plaintiff from filing further actions in this Court, the Court is mindful that judicially-imposed restrictions on an individual's access to the courts constitute an extraordinary remedy for the filing of frivolous suits. The Third Circuit, however, has clearly stated that "a continuous pattern of groundless and vexatious litigation can, at some point, support an order against further filings of complaints without the permission of the court." In re: Oliver, 682 F.2d 443, 446 (3d Cir. 1982)

A fair reading of the record in this action and Plaintiff's 1993 Action reveals that Plaintiff has engaged in a continuous pattern of seeking relief that is unavailable to him in this court on numerous occasions, in both the instant action and the 1993 Action, the Court has attempted to instruct Plaintiff that this Court lacks jurisdiction over his state domestic relations proceedings. At the hearing held on the pending motions, the Court once again informed Plaintiff that his claims are not properly before the Court. Plaintiff's conduct to

date and his remarks at the hearing, however, convince the Court that he is unwilling to accept the rulings of this court and of the Third Circuit. The Court is further satisfied that Plaintiff may improperly attempt to utilize this forum to litigate his domestic relations matters in the future, either by way of motion or by filing a new civil complaint, forcing Defendants to incur, once again, unnecessary expenses in responding to these claims.

Accordingly, the Court, pursuant to the All Writs Act, 28 U.S.C. § 1651, will direct the Clerk of Court for the Eastern District of Pennsylvania to refrain from filing or causing to be filed any complaint or other paper from Plaintiff Paul J. Schapiro without first forwarding said document to this Court for approval. See generally Gagliardi v. McWilliams, 834 F.2d 81 (3 Cir. 1987) (acknowledging the authority of the district court t enter a similar order). The Court will review the documents to determine whether Plaintiff raises issues or claims previously addressed or resolved by the Court in either 93-CV-6175 or 95-CV D986, or claims that are otherwise improper or frivolous. The court will refer all meritorious documents to the Clerk of Court

to be filed. As this Order does not bar Plaintiff from seeking judicial resolution of his nonfrivolous claims in this Court, I should not place any significant hardship on Plaintiff's access to the courts.

Defendant also ask that the Court impose monetary sanctions on Plaintiff pursuant to Fed. R. Civ. P. 11. In deciding whether to impose Rule 11 sanctions, courts should remain cognizant of the purpose of the rule, which is to deter the filing of baseless pleadings. Dover Steel Co. v. Hartford Accident & Indem. Co., 151 F.R.D. 570, 575 (E.D. Pa. 1993);see also Gaiardo v. Ethyl Corp., 835 F.2d 479, 482 (3d Cir. 1987) (noting that "Rule 11 was designed to prevent abuse caused not only by bad faith but by negligence and, to some extent, by professional incompetence"). The Court is satisfied that a monetary sanction under Rule 11 is not appropriate under the circumstances of this case. First, any deterrent affect that such an award may have is suspect, because it appears that Plaintiff may be unable to pay such an award. Second, the Court

is satisfied that the relief provided by this Order adequately addresses Defendants' concerns and shields them from incurring any additional costs and expenses in the absence of a valid claim by Plaintiff.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's Emergency Petition for Emergency Hearing in Front of a Judge to Correct, Modify, Reduce and Eliminate; Support, Alimony Pendente Lite, Judgment, Bail, Bail Revoking and Imprisonment for the Past 4.5 Years Based on Merits of Case and for Other Special Relief is DENIED;

2. Defendants' Joint Motion for Sanctions and to Enjoin Plaintiff from Further Proceedings in this Court is GRANTED in part. The Court will not impose a monetary sanction on Plaintiff. However, the Clerk of Court for the United States District Court for the Eastern District of Pennsylvania is hereby DIRECTED to refrain from filing or causing to be filed any complaint or other paper from Plaintiff Paul J. Schapiro without first forwarding said document to this Court for approval.

BY THE COURT:

_____

JAMES McGIRR KELLY, J.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL J. SCHAPIRO , etc. CIVIL ACTION

Plaintiffs,

vs.

MONTGOMERY COUNTY

COURT, et al.,

Defendants. NO. 95-986

May 23, 1996

(9:45 a.m.)

BEFORE: HON. JAMES McGIRR KELLY, J.

Oral Argument on Motion for Sanctions

For the Plaintiff:

PAUL J. SCHAPIRO, PRO Sé
Benson Manor - Suite 623
101 Washington Lane
Philadelphia, Penna., 19046.

For the Defendants:

DAVID GUTIN, ESQ.
Attorney for the Nonjudicial Defendants
The Bellevue - 6th Floor
Broad and Walnut Street
Philadelphia, Penna., 19102.

SWEENEY, SHEEHAN & SPENCER, ESQS.
Attorneys for Defendants Reynolds and Santangello
19th Floor
1515 Market Street
Philadelphia, Penna., 19102.
BY: WALTER S. JENKINS, ESQ.
SUZANNE O' BRIEN, ESQ.

(Transcript produced by mechanical shorthand
via C.A.T.)

(Appearances as noted, the following transpired in open court:)

THE COURT: Before the Court is a joint motion for sanctions to enjoin the plaintiff from further proceedings in this Court.

Several attorneys have entered their appearances in this matter. I don't know whether each of them wishes to speak on this motion for what, so I will listen -

DR. SCHAPIRO: Your Honor, there are only two firms here and David Gutin only represents himself, because Richard Fineman is not present here who represents all the non-judicial and Sweeney - this law firm and the lady behind represent only two defendant, Roger Reynolds and Santangello and I would like to state that I think I should have a court-appointed lawyer to help represent me, because I am a podiatrist, not a lawyer and I have spent over $400,000, close to a half million dollars - practically all my money and other people's money - **to try to defend against criminal activities that have been performed against me by the Montgomery County Court** and any other court, stopping its progression in this matter.

THE COURT: What are we are going to do, first? Are we going to hear about the people who are complaining about you and then you will have an opportunity to respond. We'll do this in an orderly way.

MR. JENKINS: Your Honor, Walter Jenkins, representing Matthew Santangello and Roger B. Reynolds, Jr

We filed a motion for sanctions. "We", being council for the nonjudicial defendants. That would be Mrs. Shapiro and her family and lawyers, plus - a joint motion with myself representing Mr. Santangello and Mr. Reynolds. I don't think your Honor needs a refresher course as to what has gone on in this litigation. It has been before you for a number of years. You dismissed the case a number of years ago. The same issues were advanced again by Dr. Schapiro. You dismissed the case again. It up on appeal again and the case was — the appeal was dismissed. I don't need - I would submit to the Court that I don't think 1 need to say anything more than what is in our motion which supports sanctions against Dr. Schapiro .

We have been with this for three plus years, arguing the same issues over and over again which clearly, he does not have a claim for and which your Honor has clearly dismissed on abstention grounds.

Just to add one other thing, the motion was filed some time ago and Dr. Schapiro was served with that motion. Dr. Schapiro has not answered that motion and I would submit it comes to you as unopposed.

THE COURT: Well, it's opposed - the Court may consider it as unopposed, but to do that would be really wrong, because it's obvious it's opposed.

MR. JENKINS: All right.

THE COURT: Please sit down, Doctor. You will be given

an opportunity. We're going to do this according to the rules.

Go ahead, please.

Mr. JENKINS: We don't know what the basis for Dr. Schapiro's opposition is and we can only presume what it is and we'll hear it for the first time and we have dealt with this for three plus years.

The purpose of the sanctions is for one, to award us counsel fees for the time and money and costs, as well, in defending this action over and over and over again and the other thing is to enjoin Dr. Schapiro from filing another case or another action which deals with the same issues over and over again. I think we have clearly set this out in our motion. It's 16 paragraphs long. The case law in there deals with the abstention and the right for counsel to secure counsel fee against a litigant or counsel, even a pro sé litigant such as Dr. Schapiro.

Might I add one thing while I have my chance here? Dr. Schapiro requested court-appointed counsel. I submit to your Honor that Dr. Schapiro knows the issues as well as anybody here and he has had ample opportunity to make this motion on any number of occasions and he has not done that, plus, as your Honor well knows, the appointment of counsel in a civil case, such as this is purely discretionary and deals with an issue of law that is so - must deal with an issue of law that is so complicated that a litigant such as Dr. Schapiro could not appreciate, understand, brief or whatever and your Honor, we have gotten stacks of documents this high (Indicating) filed by Dr. Schapiro which clearly

demonstrate, I submit, that Dr. Schapiro knows the issues and can brief the issues as well as anybody.

So I am just adding my two cents about the appointment of counsel which would further stretch this litigation beyond where we are now.

This particular motion for sanctions has been pending for over a year. In its initial form, I filed a separate one and then Richard Fineman representing Mrs. Shapiro and the rest of the family and the lawyers filed a separate one. After the Third Circuit dismissed the last appeal by Dr. Schapiro, we decided it would be in the Court's best interest to have one motion because the issues were the same, but in essence, these issues have been outstanding for over a year.

I thank you, your Honor.

DR. SCHAPIRO: Your Honor, this man committed perjury before the Court and he shouldn't be permitted to speak- David Gutin is the lawyer for - in this claim and he's committed perjury and fraud.

THE COURT: The procedure, Dr. Shapiro, is when parties are in favor of something, like the motions before the Court, those parties, at least counsel argue first and those parties who are opposed to the motion then argue second and if there is some things brought up in the argument by the other parties, then there is an opportunity for a brief rebuttal. That's the rules. That's the rules we're going to follow. So just relax now.

DR. SCHAPIRO: May I make one comment —

THE COURT: No. We're going to follow the rules. The rules are, you will have your time. Please be seated. Thank you.

All right, Mr. Gutin?

MR. GUTIN: Thank you, your Honor. Your Honor, I am here on behalf of the nonjudicial defendants, not just on behalf of myself. I am here on behalf of Sarita and Faiga Rubinstein, Astor, Weiss and on behalf now of the Honorable Sandra Newman, who is still named as a party in this matter.

Your Honor, with regard to two issues that were raised, I am not going to belabor it, the arguments are set forth in the brief and I don't want to go over the same issues Mr. Jenkins went over, but the issue of appointing counsel for Dr. Schapiro we were before the Court in Montgomery Court in March with regard to custody hearings and he had two separate lawyers representing him in that court, two separate lawyers in all of those proceedings. He somehow had the ability to pay counsel in the state court custody proceedings and I submit to have him come before you today to say he needs appointed counsel is inappropriate , and in addition, one of those counsel was here briefly this morning who stopped in to chat with Dr. Schapiro and then left, Mr. Walker,

There is no lawyer who will represent Dr. Schapiro because of the concern they possibly have for Rule 11 sanctions which have been brought to the attention of those attorneys and they don't want to subject themselves to the possibility of Rule 11 sanctions as counsel.

With regard to one other issue, your Honor, there had been some discussion prior to our appearance today of trying to resolve this matter by stipulation, seeing whether some argument could be reached to make it unnecessary to appear here today and those discussions took place between counsel who have been representing counsel in other matters. At the same time those discussions were taking place, Dr Shapiro filed this pro sé judicial notice statement, whatever it was called but it was dated April 17, 1995. One of the main reasons we're here is we recognize without some sort of injunction and some sort of order entered, Dr. Schapiro will continue to file actions, motions, petitions, whatever in the federal court while simultaneously litigating these matters in the state courts.

If he does not get an order he's satisfied in the state courts with, he comes down to federal court. It's a tremendous imposition on his former wife and the other people he names to have to litigate these matters in two jurisdictions. I think this Court adequately and accurately set forth the reasons for abstention and that's something that Dr. Schapiro will not pay attention to, will not agree to. He will continue to keep on filing matters and we then have no choice but to respond to those matters that are being filed. Otherwise, they would be deemed unopposed by the Court.

We have an obligation to our clients to do what we have to do. It is very important that an injunction be entered so that somebody would look at things before the clerk accepts them and make a determination as to whether or not there is any need for any other parties to have to make responses and file papers with the Court and further exhausting the Court's papers with the Court and further exhausting the Court's docket.

Lastly, with regard to the motion for sanctions. I believe very strongly if sanctions are entered, maybe Dr. Schapiro will think twice about the kind of conduct he's engaged in and that he's likely to continue to engage in.

THE COURT: Let me ask you this, the Common Pleas Court in Montgomery County, have they entered sanctions against Dr. Schapiro?

MR. GUTIN: There has been no application for sanctions and the standard is different. In state court you don't have a Rule 11 and you don't have the same procedures, if you will. Also in Montgomery County, many of the issues are still pending before the Court.

As I say, we just had a custody hearing in I believe was late February and March and orders were entered in March

THE COURT: What I am saying is, I know or at least I have read maybe some correspondence from Dr. Schapiro that the Court of Common Pleas put him in jail.

MR. GUTIN: That's not the same kind of sanction.

DR. SCHAPIRO: David Gutin has tried to sanction me and it was not by the Montgomery County Court.

THE COURT: I say this to you, Dr. Schapiro, you have to follow the rules and if you don't follow the rules, then the courts don't mean to do it, but they may not give you the consideration that

they would give somebody who follows the rules.

So please, sometimes in life, I don't say it is in this case, we are our own worst enemies. I will ask you to let Mr.Gutin finish and then you will be at bat.

Do you have anything else?

MR. GUTIN: Just so you understand what happened in Montgomery County, there was a hearing with regard to failure the pay support. He appeared before the court and they gave him the option of paying certain monies or going to jail and the sentence lasted for six months if he made no payments during that period and he made no payments and he served the six months and he was released on May 7th.

THE COURT: All right, thank you.

All right, Doctor.

DR. SCHAPIRO: There's been all sorts of reasons like bench warrants and I had a car accident in May 10, 1994 that has prevented me from coming forward and defending some of the actions that are before you.

There's been a lot of constitutional violations in my case and there needs to be a higher court overseeing this and taking some action against what has transpired.

The Montgomery County Court has like a pattern of taking up front money in advance, extortion and some day later they are going to correct this.

THE COURT: How far did they extort money?

DR. SCHAPIRO: What happens is they delay the hearings in my case, about 18 times for the correction of the mathematics of the case, where they buildup false arrearages and then take away your estate based on those false arrearages and then want you to pay monies on those arrearages and then they put you in jail for six months if you don't sign a piece of paper.

Like in July of 1994, they have you sign an agreement which was really under duress, coming out of two days in jail. I was just out of a hospital. I was in a wheelchair and the agreement of paying a certain amount was not based on any true figures or calculations. It was just made up and later, they would correct it- Well, later never comes in this case. It's been delays of about 18 times like I said and they keep — then there's been other - -

THE COURT: Have you appealed those to appellate courts .

DR. SCHAPIRO: I am not allowed now to talk to even my children.

THE COURT: You have appealed?

DR. SCHAPIRO: Just to talk to my children, to the superior, Supreme Court, we're in the superior court now for appealing that issue. I appealed the illegal taking of my estate. They took it without a hearing, without notifying my lawyers . Just one judge overruling another judge and they give away your estate, they' re temporary

judges with any knowledge of the case. I had the money, hundreds of thousands to buy my own house and I put proposals forward and even when they make an error, they don't correct it.

The law clerk, for the President Judge, he leaves after 1992 and joins Astor, Weiss & Newman and writes the petitions and gets David Gutin $10,000 out of the sale of my home. I have put $250,000 into the sale of my house, they sell it for half price and she takes all the money from the sale of my home. It's a lot of illegal procedures. There's been selective jurisdiction where a judge says ten times in February 27, 1995 hearing that he has no jurisdiction to precede and then on March 24th, he bifurcates the case and puts me on bench warrants and while I am not hospital with $2,000 in bills and revokes my bail. I have $75,000 bail that's over my mother's head, bothering her. There is arrearages of giving my wife $350 a week and a $1,065 a week support, which is four and a half thousand from September 23, 1991 to January 5, 1994. Four and a half thousand dollars and and I only get $1,000 a month. They took $4,500. Even Margie Lawrence - Judge Lawrence, said there was a large correction due me and she couldn't understand why I couldn't be with my daughters- I was a great father, a great parent, a great husband, a great provider. I am not working, because they put me out of my house and the same with my brother-in-law, he was put out too, after her father dies and they took away our house and furniture. She's making like $300,000 a year.

Right now, she's showing a $44,000 net. That's what the courts are calculating it at. She's declared bankruptcy, so she's using the courts right now to manipulate a little game here with the Court.

THE COURT: If she's making $300,000 a year or something like that, what's the cause for the bankruptcy?

DR. SCHAPIRO: We are having a forensic accountant do her books from 1991 to 1995 and that's going to take place soon. The case is starting to change, but there's been so much harm, because the Montgomery County Court only enforces orders against me. At the same time, they don't enforce orders against her. She violated every order — there are two orders and one agreement since the visitations back in November of 1991. She didn't let me have my visitations. She violated the September 20, 1993 agreement, for 15 phone calls. 57 times for my car accident and she violated the most recent order, the July 25, 1994 order, where David Gutin and two lawyers and my brother, I could have monitored weekly visits, it was all set up in exchange that I sign and I did sign twice, once in July of 1994 and she ended up getting $102,666, dropped the exceptions to the case, all the perjury and fraud that she committed and Gutin's law firm — they give her my BMW which her boyfriend drives and things and maintains a $75,000 bail. In exchange I was supposed to be able to talk to my daughters, to have visitations . This was an agreement. It didn't go into the transcript, but it was agreed and all the lawyers wrote letters about it and Mr. Gutin comes out with lies that it never occurred. It did occur twice, because she did allow me visititations twice, especially weekly.

Meanwhile the new judge comes and harms me further and takes away all my talking privileges to coerce me further to have an evaluation which will happen when I sign these forms, but after they do the exception hearing to raise her $44,000 closer to her gross of $300,000, at least through her past nets of over $100,000 and they have the retroactive hearing to change the $4,500 down to where it should be.

Now, also, I signed on December 5th and order for $6,000, where she got and judge Hodgson emphatically said that I would be

able to see my children. He looked at George Walker my lawyer and said, "You're going to get it."

THE COURT: Did he enter an order?

DR. SCHAPIRO: The order was from the court.

THE COURT: Did you get a copy of the notes of testimony?

DR. SCHAPIRO: Yes, December 5th. It's in the fifth volume or it may be prior to that.

THE COURT: You have got an order from the court. What's the problem then?

DR. SCHAPIRO: It never occurred and the courts ignore you. They deny you, they moot you, they quash you and refuse you and you can't get anywhere. I came to you on only one other time during that time, December 2, 1994. December 1st, we had the hearing with Judge Hodgson and he let me leave for a few days to think about signing and on December 5th, I ended up signing because I gave you a chance to sort of hold in abeyance the contempt until after the correction of the amount, the modifiction of the suport would take place and you didn't do that and I went in and I did sign, because I had many petitions that I knew I had to do and by the way - then they also asked emphatically - t;hey also said that I would get the correction on December 5th when I did sign within 60 days and that never occurred.

So I never saw - I couldn't see my children and my daughter loves me. She wants to be with me. My children want to be with me. I was a great parent. My wife, she' s just using the fact that she has connections with the court and her and her sister can get away with this and nobody will stop it.

THE COURT: Let me say this to you - -

DR. SCHAPIRO: I love my children and I can't see my daughters. It' s four years and eight months and I am patient enough . They don' t put contempt against her. They take away your privileges and make it worse and they allow a $44,000 net that has to be raised. I should be working. I should be seeing my children. Instead, I am playing games with petitions because that's the only way to try to get some justice in the case and there's been no justice in my case.

THE COURT: Did you discuss with your lawyer when you get adverse ruling, have you discussed with your lawyer file a writ of certiorari to the United States Supreme Court?

Let's assume you were in a bankruptcy court, a federal court, let's assume that and you are getting what you determine to be improper treatment from the bankruptcy judge. You wouldn't file a suit in Montgomery County to have the judge out in Montgomery County correct the federal judge, because it 's not within his jurisdiction.

The Supreme Court of the United States has spoken on this matter of abstention. The federal courts are not to get involved in domestic relations cases.

DR. SCHAPIRO: That's a bad policy. It might have have to go to the Supreme Court in my writ of certiorari, if I get any sanctions in this case.

THE COURT: Those are the rules. When the Supreme Court of t.he United States says this is the rule, it does not mean every district court judge or even the court of appeals. You took an order to the court of appeals and they sustained me, because I was following the procedure that has been determined by the Supreme Court of the United States to be a proper procedure in this type of a case.

DR.SCHAPIRO: I went to the United States Supreme Court twice.

THE COURT: I know.

DR. SCHAPIRO: This is a constitutional violation where there is perjury and fraud and I prove it in the courts and Reynolds, who he is defending, waits a whole year to write his report while I am in a hospital and then buries the evidence which we had voice analysis to show and I subpoena my daughters five times and they don't bring them in and nothing happened - - 100 percent, every order is denied on my part and everyone is granted on the other side. It's been a one sided battle. There is a $4.5 million disparity between me not working and how much I spent and how much furniture she got an all the equity in my home and they are laughing at me. They have everything and I don't even have a rug. All I have is paper.

THE COURT: What you can do is she's filed for bankruptcy, you can get a copy of that petition.

DR. SCHAPIRO: We're doing that. As of yesterday, we had a meeting and that is happening.

THE COURT: Let me again repeat, as far as I have reviewed this matter, you are in the wrong court - - wait a second, let me finish - - you are in the wrong court at this time. That has been tested before the Court of Appeals, which is the appellate court for this court.

It seems to me that if there is an adverse order f rom the Supreme Court of Pennsylvania, that you have the right and perhaps you say you are considering it or am going to do it, to file with the Supreme Court of the United States. The Supreme Court of the United States may change its policy. It may grant an exception.

DR. SCHAPIRO: They just sent me the rules of court everything from the Supreme Court and I have Rule 14.5.

THE COURT: The lawyers are right, if you were in Montgomery County complaining about some action before a bankruptcy judge, the judge in Montgomery County would say you have to go the appellate route of the federal courts · The rule is,

as a matter of policy.

DR. SCHAPIRO: That's a bad policy which you have.

THE COURT: It may be a bad policy, but I am not about to overrule the policy of the Supreme Court of the United States.

DR. SCHAPIRO: At this time, I will go to the United States Supreme Court and lay low with coming to your court and the Montgomery County Court at this time, since there is an 11th judge now involved in Montgomery County in this case now, to see if he is going to correct this.

So far, he came into this case and made the case worse. He's taken all the privileges from me to even talk to my daughters away and has not put her in contempt and allowed a $44,000 net and there are some retroactive things and they put it off on April 10th because David Gutin had to go on vacation and they delayed it again because we had a brief to review and illegal bail revoking when I was in the hospital and now they say it will be in the month of July and now there cancelling it until August.

This has been a pattern since the Santangello hearing in July of 1992. It's at my expense. Let's say if they correct it, I can get back to work and I can't work without at least being with my children and this one hundred percent not seeing my daughters is criminal. I have

spent $50,000 on each criminal activity and there is multiples of them, trying to defend against it. I never saw a judge take a portion out of a transcript who said he's good friends with Sandra Newman and he takes it out of the transcript, his only part where he says paragraphs and the Inquirer was there and my lawyer was witness and now they are impounding my daughter's testimony where she says she wants to live with me. They impounded it. I have never been among such criminals. I did thousands of patients, 3,000 bone surgeries. I am just geared for working. I have never sued anybody before. I just did my work and took my wife on 600 trips and we had a life, but her father died and she wanted a different life and she makes plenty of money and she has connections and they are pounding my lights out. They're just not giving me one chance and unless they correct the mathematical errors which they are going to do, but they're taking so long doing it and I am just wasting my time and life and energy and monies and nothing - - it' s taking too long and it goes on year- after-year

THE COURT: Why didn't you go back to the practice of medicine?

DR. SCHAPIRO: I can't talk to my children.

THE COURT: You mean you are so upset, you can't practice medicine.

DR. SCHAPIRO: Yes, but I am treating someone next week, but I am not charging them, but I am trimming some calluses.

THE COURT: Sometimes it's like being - - you have been in a terrible automobile accident and maybe sometimes they take a person's arm off or leg, that person still has to learn to live and what yvu have to live - -

DR. SCHAPIRO: I had $480,000 worth of medical bills and I fought against an accident that is incredible and I came back to at least try to still explain my situation and each time I give a little time period to see if the new judge will correct something and each judge comes in and they finish destroying the case and then a new judge and instead of correcting anything, he goes about destroying the case further and if I can't get anywhere and I have put my energies out, there is nobody in the World who can get anywhere with any court. It's impossible and you should at least - there's a petition that I wrote in my cell. It's only 23 pages and there is no place in 40 feet of petitions where you can actually see - i.n fact, it's going to be in a book, "Divorce Mafia." That is ah - -

THE COURT: What I am suggesting you do, Doctor, you may have been harmed, but I am suggesting that if you would go back and practice medicine and get involved in something else

and let the lawyers - -

DR. SCHAPIRO: I have had 17 lawyers. I spent a half million dollars.

THE COURT: Why did you have so many lawyers?

DR. SCHAPIRO: One lawyer was Mr. Gutin's partner and he didn' t tell me and I gave Jokelson $10 ,000 and he can't stop the sale of the house and Gary Jaffee said no lawyer can defend against a judge like that. Lynn Goldkin (sic) went 32 days against Sandra Newman and got clobbered by her by knowing about politics. There is David Gutin's law firm working so close with the judges, it is impossible for me. Maybe if certain people in my family were still alive, I would have some situation, but you know, I can't stop and I can't see my daughters and there taking too long to correct things and they illegally proceeded - - it's not like we' re just dealing with law. They actually committed crimes in order to to accomplish what they've done against me. Even when they recognized they made a mistake with the sale of the home, we presented a reconsideration, even a supersedeas. We put an appeal into that lower court and they never acted on it and our appeal never went forward to the Supreme Court, but our supersedeas did and we went. to the Supreme Court of Pennsylvania and all reconsiderations and then went into the U.S. Supreme Court and

then did a reapplication to it and it's automatic denials everywhere and I would get back to my work - -

THE COURT: I am suggesting to you, Doctor, that you have been in your mind - -and I am not suggesting that everything is one hundred percent one way or the other, but you have been - - litigation is a terrible experience for people. I think myself, I shouldn't do this, because I am practicing medicine now. I think if you got back to your practice and work at your practice and - -

DR. SCHAPIRO: But they have so many threat on me. They have a $75,000 bail. They've given her $75,000 in alimony

THE COURT: If you show up - -

DR. SCHAPIRO: They revoked it already, when I was in the hospital with many bills and he had no jurisdiction to even proceed because I said ten times I didn' t have it . They give $75,000 to a woman who makes $300, 000 a year.

THE COURT: She's bankrupt.

DR. SCHAPIRO: No, she's trying to escape to Florida because she has a boyfriend there and she has lowered her deductions deducting trips and giving money to her mother as an

an employee, takes out loans and deducts the interest and keeps the cash and buys equipment for her - I have everything explained in this 23 pages that I would appreciate if you would look at, because I painfully wrote this and I am not a lawyer.

THE COURT: I am satisfied of this, Doctor that the rules of law - - I have to follow the rules of law whether I agree with it or not, because that's what I said I would do when I took this job . I said I would follow the Constitution of the United States and the final arbitrator of the Constitution is the Supreme Court of the United States aand even they don't always agree. It' s not nine to zero and a lot of times it's a five to four vote, but the rule of law is, that I have to follow it.

DR. SCHAPIRO: But if you don't do something, there has to be someone overseeing the activity of this kind of thing and put a stop to it.

THE COURT: I will tell you what I am going to do and you are not going to be happy with it.

DR. SCHAPIRO: If you are going to put a sanction or anything like that, I am telling, I will appeal it to the U.S. Supreme Court.

THE COURT: I won't do it today, but I am going to give you a written order from which you can take the appeal -

DR. SCHAPIRO: I don't want to keep doing this. I want things to work out.

THE COURT: It's not going to work out at this level in this court.

DR. SCHAPIRO: I am going to postpone coming for a while to see how they - -

THE COURT: Let me tell you what I am going to do so you understand.

DR. SCHAPIRO: Remember, I had an acccident and I had to put the lawsuit back in and I changed it somewhat and there is not that many lawsuits that I have really done. It's just that they have not been acted on.

THE COURT: Every time these lawyers come into court, they charge their clients money for a case which shouldn't be this court.

DR. SCHAPIRO: They've only spend 10 or $20,000. I have spent ten times that representing - - against them.

THE COURT: This is what I am going to do. I am going to order to Clerk of Court, that any of your filings not to be but sent to me for review and if there is merit to it, they will be filed and if there is no merit to it in my view, they wouldn't be filed. That's a form of an injunction. It won't stop you from filing anything in this court.

DR. SCHAPIRO: I have alre ıdy had merit and I already presented it to you and you denied it basically because I haven't been able to come in and defended it and I have written it in 23 pages.

THE COURT: I will look at it.

DR. SCHAPIRO: You are not a defendant yet.

THE COURT: Okay.

DR SCHAPIRO: What I am saying, I only did a precursor to the U.S. Supreme Court. There are certain other rules that I have to do to make it right.

THE COURT: Other people have sued me too, and I understand that.

DR. SCHAPIRO: If you are going to defend this type of defendants, then that's what has to happen.

THE COURT: I am trying to tell you, you are in the wrong court. You have been told that. I have told you at least a couple of times today and by law I told you that when dismissed your actions and wrote an opinion. I don't think putting a money sanction on you, I don't think that's going to help.

I think what I am going to do is order the Clerk of Court not to accept for filing any complaints from you, but to refer them to my chambers for review.

DR. SCHAPIRO: That's going to be appealed to the Supreme Court.

THE COURT: If I feel they have merit in this case, I will allow them to be filed.

DR. SCHAPIRO: I already have merit in the case.

THE COURT: That's what I am going to do.

DR. SCHAPIRO: I am asking you to reconsider some of the past writings, even though they have been dismissed and if

you can't you have to recuse yourself from this case and let a different judge - -

THE COURT: You just went through the 10th or 11th judge out in Montgomery County. Now what you are saying, is every time I get a judge and that judge learns about the case, the next thing I know, I get another judge.

DR. SCHAPIRO: Sandra Newman is connected with those judges. You have never seen an order where Sandra Newman haas to write that they didn't part take in a decision in this matter because they just denied my bifurcation petition and the recusal petition.

THE COURT: If you want to, why don't you give the clerk a copy?

DR. SCHAPIRO: I left it right over there for you.

THE COURT: Fine. That's what I am going to do.

DR. SCHAPIRO: I just want you to see that I have submitted a petition. This is like over a year or so old, which has over - - about $400,000 of bills that I have spent and this does not count for the past year and a half, two years.

THE COURT: That's my inclination right now, that that would be a way that would hopefully satisfy the concerns of the defendants in this case.

DR. SCHAPIRO: There are litigants who put 60 lawsuits in. I only had to reput it in because I was in an accident and didn't defend it in the Third Circuit and basically, I have not put a lot of lawsuits in.

THE COURT: I understand.

DR. SCHAPIRO: I have had to put motions and things in to defend against certain things along the way. It's not something where I should be restricted and if that's the truth, then you're against the Constitution of restricting a person like myself from coming forward.

THE COURT: I know you believe that.

DR. SCHAPIRO: Yes, and that will become a problem and this is a pattern - this is a policy that has to be corrected, too.

THE COURT: I understand.

DR. SCHAPIRO: There is no way to stop what has

happened.

THE COURT: That's why I am telling you, not as a friend, because I don't know you very personally, but if you were an uncle or a brother, I would say, "Hey, get on with your life." I am not saying to stop what you're doing.

DR. SCHAPIRO: They have threats against me. They have a judgment still standing of $147 ,000 and they just reduced to it to $70,000 and she owes me $3 or $4,000 and she should eliminate that $75,000 alimony and correct retroactively the $4,500 or 5,000 they took. Even Margie Lawrence says there is a huge chunk owed to me and then the starvation of my daughter, she want t:o live with me.

THE COURT: How old is she?

DR. SCHAPIRO: September 16th, Lauren will be 11 and my other daughter Jillian will be 16 on August 5th.

THE COURT: Well, as I said, it's my reading of the law and that's what I have to follow. You know, it's like baseball, if I were inventing the game of baseball, I think I might allow four strikes and you are out, becau.e the batter - — because the pitches gets three strikes you are out and that's one less than the four balls,

but I am not inventing the game of baseball . It' s three strikes and you are out.

DR. SCHAPIRO: She's trying to take my children to Florida . It may be I won't see me, anyway so I am going to have to live near my children and there will be inter federal law suits going to Florida. This is unbelievable. I have two beautiful daughters and I can't be with them. Jillian can finish up there the 11th and 12th grade year. I am in the same district where she's going to school and she lost three months of schooling and they disciplined her and -

THE COURT: In two years, she will be 18.

DR. SCHAPIRO: My daughter is very young.

THE COURT: Yes.

DR. SCHAPIRO: We have to deal with the contempt and the mathematics because even if I get custody, I am playing around with the fact they are going to put me in jail six months and six months. I am just going to be sitting in jail. The worst thing I have ever done in life is a parking ticket and spoil my wife like I told you in the papers. Everything is right from the heart

THE COURT: I am taking the matter under advisement, but it's my current view that what I am going to do is what I said. I am going to order the Clerk of Court to refer all matters - -

DR. SCHAPIRO: Couldn't you let me at least try to work things out, since we are going to be doing an audit and there is a new judge and I am going to the U.S. Supreme Court so I don't have to take this into an appeal, I can stop some of the litigation and let me have some time to see what would happen and not be putting another restriction or another problem on me right now, so I can try to work things out?

THE COURT.: I think what's going to happen if I don't do this, you are going to file something - -

DR. SCHAPIRO: I am going to give you enough time, plenty of time, to try to see, because we have - things are changing now, but it does mean that the harm that has happened, you knoww, it's been terrible. It's been a nightmare. I have never seen anything like this. I was on top of the world, working, had my family.

THE COURT: I suggest you go back to work.
You are not being harmed by what I said I would do.

DR. SCHAPIRO: There is only three really defendants here out of all the defendants. The lawyers are protecting three defendants and I have not put that in many lawsuits, per se.

THE COURT: I will consider that.

DR. SCHAPIRO: I am not thinking right now of doing that. I am just trying to work things out and I don' t want a restriction on me.

THE COURT: It's not a restriction on you. You can send into this court anything you want to send in.

DR SCHAPIRO: You have a pattern also of completely denying everything.

THE COURT: If I do it wrongfully, you have a right to appeal.

DR. SCHAPIRO: I have already put it in and I want to stop it myself and I don't want a restriction. I am telling you I am going - - it is going to be a long period of time before I put it in - put anything in, so you don't need to - -

THE COURT: Hopefully, you will be able to work it out. My view is you shouldn't be putting anything in in this case in this courthouse .

DR. SCHAPIRO: I have a new lawyer, he's from Harvard Law School and I have been letting him put the petitions in .

THE COURT: Where is he today?

DR. SCHAPIRO: What do you mean, City Line Avenue - - oh, he has another hearing that he's involved in.

THE COURT: Why doesn't he enter his appearance in this case? No lawyer has entered his appearance in this case on your behalf.

DR. SCHAPIRO: I will tell you something, they all want more money.

THE COURT: That' s another reason why you should go back to practice.

DR. SCHAPIRO: I shouldn't go bankrupt trying to make a couple of points. Somebody should just read this petition and try to help it a little bit, instead of letting them - why do I have to be in jail for six months for just not signing a piece of paper that I don't owe her anything. She owes me hundreds of thousands. There is a big discrepancy here and it has nothing to do with the money- The disability money, I will cancel it. I don't want it really. I want to get

back to work. I want to be with my daughters. The disability money is like a couple percent of all the assets that we had and everything went to her. Every piece of furniture, basicaly, for almost a half million dollars. I haven't even gotten my Winter coat and I spent all my monies.

THE COURT: I know you have. I am sorry.

DR SCHAPIROl I can't stand not being without my daughters. I need them and I need to be with them.

THE COURT: I understand your position. I will take the matter under advisement .

DR. SCHAPIRO: I don't want to feel that I have to litigate this, your decision now, because I promise that's what is going to happen and it will be so much in the U.S. Supreme Court that eventually when Barsky's petitions reach the Supreme Court, they'll understand the situation. I want to try to ease down to see if the Montgomery County Court can ease things- She's taking my children away. The custody right now is in the Superior Court, but they take forever to answer and they will be already gone and she's trying to escape the bankruptcy business. All these are just games. She has manipulated and calculated everything .

THE COURT: I think your wife and you are before the jurisdiction of the Montgomery County Court and if she moves to New Jersey or Maryland, - -

DR. SCHAPIRO: I am in an uphill battle and he's making it almost impossible. We can't subpoena anything. We subpoena, they don't give it. We can't get records. The courts make it impossible to get my daughters' records. I have to subpoena the judqe to get the records and I get the records finally from if judge. It's been every little thing and I don't want to be a lawyer. I want to be in my practice and see my daughters and I want to stop this, but there are harms that have been done to me and I th.ink you should just look at some - - not maybe all the meritorious petitions, look at this one. It's a little differently put together, where it's in one spot and maybe I haven't presented the whole case correctly. Maybe it needs a lawyer doing the federal part.

THE COURT: I will review it. I promise you, I will review it.

MR. JENKINS: Your Honor, neither Mr. Gutin, nor I have seen this petition which your Honor is now going to review.

THE COURT: I will ask him to give you both a copy of it. I will give you a week to respond, if you care to respond.

MR. GUTIN: If you are not going to take any action before he files anything, if that's your decision, maybe we don't have to respond at all. If this is something this Court should abstain from, I shouldn't have to waste the time responding.

THE COURT: I understand. Good morning.

(Whereupon, at 11:00 a.m., court was adjourned)

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of the proceedings in the above-entitled matter.

May 30, 1996 _____
Date Philip Feldman, C.S.R., C.P., C.M.
Official Court Reporter

No. _____ (3)

Supreme Court, U.S.
FILED
96-314
AUG 6 96
OFFICE OF THE CLERK

In The
Supreme Court of the United States
October Term, 1995

PAUL J. SCHAPIRO,
Plaintiff/Petitioner

v.

SARITA R. SCHAPIRO

MONTGOMERY COUNTY COURT, ET AL
MONTGOMERY COUNTY COURT, DOMESTIC RELATIONS SECTION, DAVID GUTIN, HORACE A. DAVENPORT, HON. ROGER B. REYNOLDS, JR., BERNARD A. MOORE, HON. SAMUEL W. SALUS, II, HON. JOSEPH A. SMYTH, HON. ALBERT R. SUBERS, HON. RICHARD LOWE, HON. MATHEW SANTANGELO, SANDRA NEWMAN, HON., ROBERT KATZ, JEAN BISECKER, ASTOR WEISS KAPLAN & ROSENBLOOM, (FORMERLY ASTOR, WEISS AND NEWMAN), FAIGA RUBENSTEIN, LYNDA SMITH, SUPERIOR COURT OF PENNSYLVANIA, SUPREME COURT OF PENNSYLVANIA JUDICIAL CONDUCT BOARD, WILLIAM ARBUCKEL, III

Defendants/Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

NO. 848 E.D. ALLOCATUR DOCKET 1995 (BIFURCATION)
AND
NO. 756 E.D. ALLOCATUR DOCKET 1995 (RECUSAL)

PLAINTIFF'S APPENDIX

VOLUME C (State)

George E. Walker, Esquire
234-236 South Eighth Street
Courtyard Entrance
Philadelphia, PA 19107
(215) 925-7440

PUBLISHER'S NOTE :

ORIGINAL PAGINATION IS NOT CONTINUOUS.

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

PAUL J. SCHAPIRO	:	**No. 848 E.D. Allocatur Docket, 1995**
	:	
Petitioner	:	**Petitioner for Allowance of Appeal from the Superior Court.**
v.	:	
	:	
SARITA R. SCHAPIRO	:	
	:	
Respondent	:	
	:	
	:	
	:	
	:	

ORDER

PER CURIAM:

AND NOW, this 8th day of May, 1996, the Petition for Allowance of Appeal is denied.

Madame Justice Sandra Schultz Newman did not participate in the consideration or decision of this case.

TRUE COPY FROM THE RECORD
ATTEST: May 8, 1996

PATRICIA JOHNSON
Chief Clerk
Supreme Court of Pennsylvania
Eastern District

IN THE SUPREME COURT OF PENNSYLVANIA

PAUL J. SCHAPIRO,	:	**No. 756 Eastern District**
	:	**Allocatur Docket 1995**
Petitioner	:	
	:	
v.	:	**Petition for Allowance of**
	:	**Appeal from the Superior**
SARITA SCHAPIRO,	:	**Court**
	:	
Respondent	:	
	:	
	:	
	:	
	:	

ORDER

PER CURIAM

AND NOW, this 9th day of May, 1996, the Petition for Allowance of Appeal is denied.

Madame Justice Sandra Schultz Newman did not participate in the consideration or decision of this case.

TRUE COPY FROM THE RECORD
Attest: 5/9/96

_____

John W. Person, Esquire
Deputy Prothonotary
Supreme Court of Pennsylvania
Eastern District

MONTGOMERY COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF

CIVIL ACTION

PAUL SCHAPIRO,	:	
Defendant	:	
	:	
VS	:	**NO. 91-18417**
	:	
SARITA SCHAPIRO	:	
Plaintiff	:	

CONCISE STATEMENT OF MATTERS
COMPLAINED OF ON APPEAL
(THE CONCISE STATEMENT)

There are a series of events that occurred during this case that are very pertinent that have led to this situation that needs to all be considered in the Concise Statement of Matters Complained of on Appeal.

1. There is a criminal conspiracy pattern through politics continuing with the judges in the Montgomery County Court to derive me - any contact with my two daughters, my right to be a parent, my right to directly support my children, my due process rights and equal protection under the law, my right to return to work, my monies, my property, and recently my freedom for six months.

   This case is replete with criminal acts performed by the Montgomery County Court and the court criminally covering up the criminal acts performed by Gutin, Esquire, Sarita Schapiro, etc. and the higher courts not wanting to get involved and their accepting this behavior as normal policy. The court punishes me (jail, bench warrants, bail, bail revoking, sanctions) for trying to seek justice.

   Instead of each new Montgomery County Court judge coming into my case and stopping the past trend of their progressively making my situation even worse and instead of bringing fairness to this case and correcting the situation without delays by correcting the past obvious mathematical errors, enforcing Judge Joseph A. Smyth's September 20, 1993 court order allowing me minimal visitation (talking privileges with my two daughters (16 years old August 5, 1996 and 11 years old September 16, 1996) and by correcting other past errors made by previous judges in the case, each new Montgomery County Court judge, including Judge Kent H. Albright, in our case seems to have an obligation to protect the criminal acts (errors) made against me in this case by previous judges and therefore protects the criminal conspiracy of previous judges which therefore helps accommodate Sarita and her lawyer, Gutin.

2. Sarita has tortuously and continuous interfered with my minimal visitation rights and this court criminally has not enforced its own orders or taken any action against Saria's contempt. Sarita even prevents my mother from talking with my children. There have been many contempt petitions filed against Sarita Schapiro which have been ignored, refused, mooted, and/or denied.

As of Judge Kent H. Albright's order of March 29, 1996, there was an active order (September 20, 1993) allowing 15 minute talking privileges twice a week with my daughters that my wife violated documented 57 times during the period of time from Judge Joseph A. Smyth's September 20, 1993 order to my May 10, 1994 car accident which neither Judge Joseph A. Smyth (reign in my case July 1994 to July 1995) nor Judge Marjorie C. Lawrence (reign in my case July 1995 to December 1995) would enforce even for one time for Sarita to comply with this minimal visitation right no matter how many contempt petitions were filed and how many times their offices were contacted.

If we had not dealt with the custody issue, I would still be able to have my talking privileges with my two daughters. It is illegal for the court and for Judge Kent H. Albright to not have enforced Judge A. Smyth's September 20, 1993 court order for my talking privileges with my two daughters and to now, as of Judge Kent H. Albright's March 29, 1996 order threatened and coerced me further with no talking privileges. There will be no more extortion of money or up front money paid and there will be no more coercion or threats made to me by Montgomery County

Court. If the court would stop delaying the correction of the support, the order that held me in jail would have been removed. For over 4¾ years, the Pennsylvania courts ignored, refused, mooted, quashed and/or denied every simple request, petition and order of defendant and have granted almost 100% of every request, petition, and order for plaintiff presented by Astor, Weiss, Kaplan and Rosenblum. Judge Kent H. Albright is continuing this pattern by his March 29, 1996 order.

3. In order to communicate with the court to try to get even the slightest justice in my case, I have spent over $400,000 in legal related fees, while not working and having been on disability since my separation date, September 23, 1991. The Montgomery County Court of Pennsylvania has an attachment against my $5,000/month disability income. The Montgomery County Court has criminally delayed over a dozen and one-half more times the correction of the support/Alimony Pendente Lite since July of 1992. The court erroneously based its support calculations on my wrong earning capacity year using $14,500/month instead of correctly using my $5,000/month disability income and giving Sarita Schapiro a ridiculous $350/week Alimony Pendente Lite (approx. $75,000) while Sarita has an approx. $300,000/year gross income and the court uses her ridiculous over-deducted $44,000 net to calculate support. There are now 19 months ($95,000) of attached and unclaimed disability money!

I have sat in jail unjustly for a total of 183 days waiting for the court to correct their mathematical errors and to enforce their own past September 20, 1993 court order for my telephonic communications with my two daughters. The court has been

wasting my time, energy, money, and talent as a podiatric surgeon for the past 4¾ years, while I cannot see or even talk with my two daughters for the past 4¾ years, I cannot work. I am fighting a battle to correct my situation on "fumes" of money. Judge Kent H. Albright has suspended my visitation rights and has taken away my previous right to talk with my daughters.

4 Everything, such as signing Monarch Insurance forms followed by evaluation, etc. in this case, is contingent on the court correcting the numbers fairly and showing a good faith correction of their past errors. The Montgomery County Court needs to honor the conditions specified on the one page Agreement of 1- 22-96, revised (see exhibit) which would be accomplished by the court holding the two necessary hearings.

1). "Exception" Hearing - Exception to the Support Master Frederick Cohen's support determination of 1/31/96. The court needs to raise her ridiculous over-deducted $44,000 net closer to her $300,000 gross (earning capacity).

2). "Retroactive " Hearing - To correct support retroactive to September 23, 1991 which is the separation date and the disability date that I first received $5,000/month disability from Monarch Insurance Company.

For 2¼ years the Montgomery County Court built a false arrearages based on their erroneous calculation of my support/APL being $1,065/week which is over $4,500/month while I only receive$5,000/month disability during that time period of 2¼ years. It is criminal for the court to know this and delay correcting it while keeping me in jail.

Each year Sarita receives $54,000 of my disability money and I only receive $6,000 annually. When you add $54,000 to Sarita's gross earned income of $311,000 (1992), she totally received *$364,000/year* as opposed to my *$6,000/year* disability that I received. Briefly, another example of inequity is that while Sarita earns approximately $300,000 a year gross, and the court uses her false over-deducted $44,000 net to calculate support, she has continued her manipulative pattern and declared Chapter 13 Bankruptcy. There is now over a 4.5 million dollar disparity between Sarita and me since our separation date of September 23, 1991. I have spent my time, money, and energy while not working trying to correct the injustice to no avail.

The court needs to correct the first 2¼ years (September 23, 1991 to January 4, 1994) that the court erroneously based its support calculations on $14,500/month instead of $5,000/month disability, eliminate her ridiculous $350/week ($75,000) Alimony Pendente Lite and remove the judgment especially because the arrearages are less than ½ the judgment and after the above is corrected I will have several years of over-payment of support. According to Judge Marjorie C. Lawrence at the October 3, 1995 conference, Sarita owes me post-divorce alimony. The hearings for the correction of the support has been delayed over a dozen and one-half times since July of 1992 and now delayed again on April 10, 1996 and again on April 17, 1996, to July 1996 and to sometime in August, 1996.

The problem that occurred is that the court did not know that

I was disabled when it gave Sarita APL and when it calculated support. Now that the court knows that I was disabled since September 23, 1991, there is a huge correction due. The court at the time it calculated support in July of 1992 did not know about my disability and should have at least used my separation year 1991 ($22,000 net/$180,000 gross) instead of using the year before my separation 1990 ($345,000 gross/$180,000 net) to calculate support. I have not worked from 1992 through 1996 trying to correct all the errors of the court.

The court needs to correct the above, let me sign the insurance forms, then get evaluated if necessary, let me be with my children to directly support them, and let me get back to my professional work, Podiatry).

5. I will not go for evaluation while the court continues its threats against me:

a). Take away my talking privileges with my two daughters, while the court does not put Sarita in contempt for over 4½ years for her past violations of all my visitation orders/agreements to talk to/see my daughters.

b). Incorrect judgment ($147,000).

c). False arrearages ($70,000).

d). Confiscation of my property (house, escrow monies,

and furniture) based on false arrearages, politics, and other illegal maneuvers.

e). Ridiculous Alimony Pendente Lite ($75,000)

f). Bail and Bail Revoking ($75,000).

g). Attachment of my disability monies ($95,000 now unclaimed for past 19 months).

h). Threat of having been put out of my estate by my wife's lies and the court prevents me from defending against this by disallowing my witnesses, burying the evidence, and not enforcing our subpoenas.

i). Threat of my children being taken out of the State of Pennsylvania.

j). No correction of past incorrect support calculations.

k). The court continuously denying and ignoring all my requests and petitions.

l). Threat of future contempts and punishments as the court continues to delay the hearing for the correction of their past mathematical errors (approximately 18 delays since July, 1992) while building up false arrearages.

m). The fact that I can't go to work with all these continued

threats.

If the court would just show some good faith corrections of their above threats, reduce their threats, I would consider going immediately to one of the below known court evaluators for Montgomery County Court.

Dr. Ken Lewis, PhD in Child Custody, PhD in Education Foundation
2258 Menlo Avenue, Glenside, PA 19038 (215) 576-0177

Dr. Richard Gardner, Psychiatrist
155 County Road, Cresskill, NJ 07626 (201) 567-8989

Dr. Gary R. Glass, PhD
700 South Henderson Road, Ste. 302B, King of Prussia, PA (610) 265-6464

Judge Kent H. Albright, the current presiding judge in Montgomery County Court, shows bias and prejudice as he tries to influence my child, Jillian Schapiro when he states in the transcript of the January 17, 1996 in-chambers testimony of my children that "Your mother, fortunately has been better able to handle the situation emotionally and psychologically...and he (Dr. Paul Schapiro is not able to deal with it"). I am the one who has to petition the court to stop the starvation and deprivation of my children, not Sarita! Try putting all the threats on Sarita as you have on me, deprive her of all contact with her 2 daughters for 4¾ years, deprive her of her due process rights by delaying the hearings for 4½ years, that would correct this matter, deprive

her of her monies, property, freedom, parenting, and all her rights and you will find that I would be by far the better adjusted parent. The court has granted Sarita every request and has given her almost everything while she continues working and I have spent almost everything (time, money, and energy) trying to correct the situtation to no avail while not working because of all the court's threats, slaughter of my life, delays, their ignoring/denying every word written in my case, besides the May 10, 1994 car accident injuries.

6. Before Judge Kent H. Albright writes orders stating what Dr. Schapiro must do, Judge Albright must now take action against Sarita's contempt for her having torturously and continuously having interfered with all the court's orders and agreements we had for my minimal visitation. She has violated every order and agreement made concerning my visitations with my two daughters for the past four and one-half years:

   a). The agreed visitation order of November 1991 with Logan Bullitt, IV. Esq.

   b). Judge Joseph A. Smyth's September 20, 1993 order allowing me talking privileges with my two daughters fifteen minutes Friday and Sunday (57 documented violations by Sarita).

   c). The agreement made by the lawyers a few hours prior to the Judge Suber's July 25, 1994 hearing that I would see my children monitored each week by my brother.

Judge Kent H. Albright has failed to enforce the court's past orders for my minimal visitation/talking privileges. Instead, Judge Kent H. Albright has successfully destroyed this case further by his March 29, 1996 order which suspended my visitation rights and has taken away my previous right to talk to my children and recently, on May 17, 1996, has denied my attorney, Jay D. Barsky's Emergency Petition For Special Relief Allowing Father To Have 15 Minute Telephone Calls Per Week To Each Of His Two Daughters Jillian And Lauren Schapiro As Per Court Order of September 20, 1993, filed on May 16, 1996 and on May 17, 1996, Judge Kent H. Albright has also denied my attorney, Jay D. Barsky the EMERGENCY PETITION FOR SPECIAL RELIEF TO ENJOIN MOTHER FROM MOVING CHILDREN JILLIAN AND LAUREN SCHAPIRO OUT OF THE STATE OF PENNSYLVANIA TO THE STATE OF FLORIDA OR ANY OTHER STATE UNTIL ALL ISSUES OF CUSTODY HAVE BEEN DECIDED BY THIS COURT filed on May 16, 1996. There are no rules that state that I, Paul J. Schapiro, the natural father of Jillian and Lauren Schapiro, having been a good and loving father to my daughters and a successful podiatric surgeon, successfully treated many thousands of patients, can be deprived the companionship of my children for almost 5 years. Both Jillian and Lauren paint an extremely positive picture of their father, a nurturing, caring, fun to be with Daddy. Both of my daughters love me and want to be with me.

The best interest and permanent welfare of the children will be served by allowing me, Dr. Paul J. Schapiro to have an active

role in their lives because I have been a good parent in the past and the children need a relationship with their father and they have requested to be with their father. There are fathers who share custody or have equal custody/equal support without having had an evaluation. Sarita has not been evaluated! In 1991 both Sarita and her sister obtained "Temporary Custody" of each of their two daughters, respectively, illegally with lies and through politics. Even thought Sarita's sister makes it very difficult for Danny Newman, my ex-brother-in-law to see a psychiatrist/court evaluator. This court needs to stop catering to every whim of Sarita and her lawyer, Gutin, and start making the case fair by correcting their past errors.

7. I entered into Montgomery County Court an Emergency Motion for Emergency Custody Hearing on December 5, 1995 prior to the plaintiff's petition to modify order of custody. Yet, Judge Kent H. Albright ignored my motion and only entertained plaintiff's petition.

   At the January 17, 1996 hearing, Judge Kent H. Albright tried to hush Sarita's testimony up when she started bringing up past events. The Montgomery County Court thinks that just because time goes by it is justified for them not to deal with correcting past errors and now these errors of the court are 6 months (jail) more behind us. These errors must be corrected.

8. It is illegal and not relevant to law for Judge Kent H. Albright to not allow an almost final order of custody or a final order of custody to be appealed into a higher court such as the Superior Court. This is just as illegal as Judge Subers being a judge of his own recusal (dismissing his own recusal hearing) when he has an interest in the outcome.

I filed on May 31, 1996 a Notice of Appeal of Judge Kent H. Albright's May 22, 1996 order which was ordered in conjunction with another order (March 29, 1996) that is currently under appeal in a Superior Court in Pennsylvania. A Notice of Appeal was filed on April 25, 1996 which appealed Judge Kent H. Albright's order of March 29, 1996 including all of his eight amendments of his order, and another Notice of Appeal that I filed on May 13, 1996 which appealed Judge Kent H. Albright's April 15, 1996 order, which he ordered in conjunction with another order (March 29, 1996) of his. Judge Kent H. Albright continues to write orders that are subsidiary or in conjunction with his other order of March 29, 1996 which has been and is currently under appeal in the Superior Court of Pennsylvania.

9. Sarita Schapiro and the children supposedly would not be in the State of Pennsylvania within the sixty day evaluation period from the May 22, 1996 order, which has now been given Notice of Appeal to the Superior Court of Pennsylvania.

To prevent irreparable harm, there needs to be an **Immediate Emergency Injunction** to prevent my daughters, Jillian and Lauren Schapiro (16 and 11 years old in Summer of 1996) from leaving the State of Pennsylvania (planned to leave end of June 1996) until the custody issues are heard in the higher courts and final custody is determined.

There needs to be an **Immediate Emergency Injunction** to hold in abeyance any future contempts until the Montgomery County

Court's mathematical errors are corrected by their holding the two necessary hearings - "Exceptions" and "Retroactive" hearings to prevent further harm.

By Judge Albert Subers illegally not dealing with these two issues (custody and modification of support/APL) at the long overdue February 27, 1995 scheduled hearing where he illegally said he had no jurisdiction to deal with any issues has caused continued great prejudice and harm to me and my children in this case.

10. My biggest crime in my life before my separation from my wife was a parking ticket or maybe spoiling my wife, giving her over $100,000 worth of jewelry, taking her on 60 trips, paying ¾ of her $60,000 Keogh, paying over $200,000 in improvements in our 64 window, eight bedroom estate, paying all the mortgage, taxes, utilities, insurance, and most of all, the furniture. Also, buying the children $400 worth of toys at a time and being a good husband, father, and provider. I should not be punished for trying to straighten out my case and to seek justice through the courts.

Now that Sarita thinks she possesses my children and all my possessions, she thinks she is going to hold on to everything she illegally obtained by going bankrupt (filed Chapter 13 Bankruptcy petition). She is a master of manipulation, lying and cheating, extremely similar to her millionaire family. She has a $300,000/year gross earning capacity, shows a $44,000 net and now she says she is bankrupt. This whole case is built on Sarita's lies and this court allowing her to get away with it, and

then rewarding her. This court must start reading all the past petitions and wake up and stop denying my witnesses and ignoring Sarita's lies and cheating ways.

There needs to be an emergency hearing in front of a judge to correct, modify, reduce and eliminate support, alimony pendente lite, judgment, bail, bail revoking and imprisonment for the past 4¾ based on merits of case and for other special relief.

11. There is an outstanding Alimony Pendente Lite Petition filed by George E. Walker, Esquire during Judge Albert R. Subers' term which Judge Subers has not acted on which still needs to be heard by the current presiding judge. See Petition to Vacate Plaintiff's APL Retroactive to September 23, 1991 Located on pages RR 1600-1709 in the 5 volume appendix which has been served to courts, judges, and lawyers including Judge Albert R. Subers, Judge Marjorie C. Lawrence, Jay Barsky, Esquire, George E. Walker, Esquire, and David Gutin, Esquire and all the lawyers for the defendants in the Federal Court. Also, see Emergency Motion to Remove Judgment Against Petitioner RR 1478-RR1487 and Emergency Motion to Set Aside Petitioner's Bail (RR 1465-RR 1477.

12. The County benefits the most from our divorce and has an incentive to not resolve anything, to not care about being fair, to pretend to very slowly correct any past errors aside from the fact that past politics have been involved in this case. The County received $190.00 per day for every day that I was in jail. I was in jail for 183 days. I, the Petitioner, basically stayed away from the Court and remained in jail until the court corrects its past

errors. There is a simple obvious mathematics that should not take 4½ years to correct. There now needs to be an emergency hearing in front of a judge. The court is moving at turtle speed to correct any of the past errors which would partially resolve this situation. The whole 4¾ years of figures used to calculate support and Alimony Pendente Lite are inaccurate. While my wife has approximately a $300,000/year practice (True Earning Potential) and has grossed approximately one million-four-hundred-thousand dollars since our separation, September 23, 1991, the court is allowing and using her very much over-deducted and her atypical lowered earning (1995) year arriving at net ($44,000) to calculate present and past support, while the court used to calculate support my highest gross/net year (1990) $345,000 gross/$180,000 net. This was one year before my separation (1991) $180,000 gross/$22,000 net - which was not used to calculate support (no work 1992 through 1996). Sarita's 1990 and 1995 years were her lowest gross/net years and the Court used the figures from her lowest years to calculate support while her 1991 through 1994 years (true earning potential years) were a gross of $262,400/year to $311,000/year. Sarita stated to Judge Kent H. Albright at the January 17, 1996 hearing that her income will go up (back to her true earning potential).

13. My wife's little weasel lawyer, David Gutin, has been using legal tricks, technicalities, lies, fabrications, fraud, perjury, and politics to get their way with the court all throughout the case.

    During the Summer of 1993, Gutin, Esquire, knew that I had been of disability (on disability receiving $5,000/month since September 23, 1991) but purposely said nothing to the Court and

he did not have my disability attached until December 1993 at which time my disability was attached through Judge Subers. This attachment date (Dec. 1993) was after Judge Salus' August 2, 1993 order allowing my Estate to be sold, was after my Estate was sold (October 1993) and was after the Exceptions to Master Santangelo's order (July 1992 hearing and order) was denied (Sept. 20, 1993.)[2] Therefore, the Court did not know at the time of the hearing that denied the Exceptions, (denied based on lack of prosecution and not on the merits) that I was on disability and had been on disability receiving $5,000 per month since September 23, 1991 which could have made the court at that time look at the merits.

During the Summer of 1993, Gutin, Esq. knew that I had been on disability because there was a letter from psychologist

[2]The court criminally put off/continued the hearing for the "Exceptions" for well over 1 year (denied me due process) until after my house was illegally allowed to be sold by Judge Salus. My lawyer took exceptions to the Support Master Santangelo's Order in July 1992 but the court kept continuing (Dec. 1992) and continuing (March 1993) and continuing (June 1993) the hearing for the Exceptions until, finally over 1 year later there was a hearing that denied the Exceptions due to lack of prosecution because I was not coming into the court. The Exceptions to Master Santangelo's Order were never heard on their merit. My lawyers did not file the needed appeal to the denied Exception into the Superior Court and I was busy getting ready my lawsuit which was filed on 11-22-93 into the Federal Court. I was not coming into the court until the court corrected its errors and the court was not correcting anything until I

came into the court (catch 22 situation). Now, I am available to the hearings and the court still has not corrected the 4¾ years of mathematical errors.

Dr. Jack Lit, and made part of a transcript as an exhibit during Summer of 1993. The letter mentioned my disability insurance carrier (Monarch Insurance) and policy number etc..Gutin Esq. purposely did not bring this to the attention of the court, did not attach my disability when he knew about the Monarch Insurance during the Summer of 1993, and therefore he allowed me to receive four or five extra disability payments before he had the disability attached in December 1993, because he wanted to get my house sold (October 1993) and the Exceptions to Master Santangelo's order denied (September 20, 1993) before the Court would realize I was under disability and therefore no corrections and reductions to the support would occur and therefore no reduction of arrearages which would have prevented my house being sold.

The Court used to calculate support from September 23, 1991 to January 4, 1994, incorrect figures of $14,500/month instead of disability of $5,000/month, building up false and incorrect arrearages ($147,000), a portion of which included a ridiculous $350.00 a week Alimony Pendente Lite ($75,000).

To Repeat Summary of Events:

1. **Gutin Esq. knew I was on disability during Summer of 1993.**
2. **House listed - August 2, 1993.**

3. **House Sold - October 1993.**
4. **Delayed Hearing[2] on Exceptions took place over one year later - September 29, 1993.**
5. **Then Court attached disability - December 1993.**

If (3), (4), and (5) would have occurred in reverse order, I should have been easily allowed and able to buy my home. Because the Court criminally allowed the delay of (4) to occur, ignoring all petitions, it caused (2) and (3) to occur. Because Gutin, Esq. knew (1) and delayed it to (5), it caused (2) and (3) to occur and helped (4) to be denied.

14. Gutin Esq. had Judge Subers attach my disability in December 1993. Yet, the modification of support petition was filed in January 5, 1994. How can the Court only modify my support to January 1994, when the Court attached my disability in December 1993 prior to the modification petition: file date of January 1994? In fact, Sarita was paid a total of $28,666 from my disability payments from December 1993 to November 1994 (almost one half of my disability). Therefore, the Court recognized that I had a disability prior to the filing of the January 5, 1994 Modification of Support Petition and the court must consider my past disability and readjust. Also, Dr. Cava's March 15, 1993 letter supporting my disability prior to the filing of the January 5, 1994 Modification Petition.

15. Other Petitions concerning Modification and correcting money errors of the Court were filed in 1993 such as Neil H. Stein, Esquire's Petition For Alimony Pendente Lite, Counsel Fees and Costs and For Other Special Relief (pages RR

1155 - RR 1165) - Neil Stein's Petition which is attached as exhibit to Petition recently filed November 30, 1995 by George E. Walker Esq. titled Defendant/Petitioner's Statement in Accounting and Motion for an Equitable Determination of His Interests by Way of a Modification of Support in the Matters Herein.

16. The Court needs to Correct, Modify and Reduce my support for the first 2 ¼ years (from Sept. 23, 1991 through Jan, 4, 1994) where on Sept. 23, 1991 I first began receiving disability income at $5,000 per month which was the date of our separation and the date (Sept. 23, 1991) I was put out of my home wrongly. See Petition For Modification and Reduction of Spousal and Child Support (pages RR 498 - RR 528) Volume 1 of the 5 Volume Appendices.

My change in circumstances did not occur when the Modification of Support Petition was filed on 1-5-94. My change of circumstances began on my date of separation, Sept. 23, 1991 when I first began receiving my $5,000/month disability payment from Monarch Insurance Company based on psychologist Dr. Jack Lit's medical diagnosis of "Adjustment Reaction with Mixed Emotional Features." My first visit with Dr. Lit was on June 24, 1991.

After Sept. 23, 1991, I was very distraught when my world was turned upside down being away from everyone and everything I loved - my two daughters, my wife, my home, my possessions, my furniture, directly providing for my family, my work (Podiatry Practice), other family members and friends. Instead I

was, and still am dealing with everyone and everything I dislike such as lawyers, etc., etc. Also, I was very preoccupied trying to get justice in the Court. As Psychiatrist Dr. Edmund Cava later stated "I was preoccupied in my preoccupation..." Since September 23, 1991, Sarita was making it almost impossible for me to see and talk with my children and still is. I was unable to help patients when no one was able to help my situation. Sarita had the podiatry office moved out of my home. I stopped my Podiatry practice.

Both my brother-in-law, Danny Newman (about 11 years married and myself (about 20 years married) were put out of our homes wrongly in 1991 by lies and acting and by being set up by my wife's sister and my wife, respectively at about the same time period as Sarita's father - Psychiatrist died of prostate cancer. We were torturously prevented from talking and seeing our children. We both have two daughters. We both were prevented from returning to our homes illegally through politics of my mother-in-law's girlfriend, Sandra Newman. We both had our houses taken away from us and all the furniture and all the escrow money. Two weeks prior to the November 7, 1991 hearing of me trying to get back into my house, I was talking to my mother-in-law on the phone and she stated she "was just at Sandra Newman's house yesterday." She stated emphatically, "you know she is a divorce lawyer - you're not getting back into your house!"

I was swimming upstream against a Court that wanted nothing for me ignoring and denying every petition. You can say I have paid approximately $400,000 in legal related fees and could not

even get my Winter coat that Sarita would not give to me. Sarita now is just trying to hang on to everything she illegally thinks she has gotten away with and I have been trying desperately to explain through petitions, lawsuits, etc., etc. and using all my time, energy, and money to get some fairness and get half back. Either the Court lets me have a relationship with my daughters and tries to make the situation fair or the Court is going to waste - destroy my life (energy, time, money, jail).

17. Either I directly spend my time and my disability money and any other monies due me including Post Divorce Alimony directly on my daughters (custody) and slowly try to get back to work or I am changing the benefits from $5,000/month to $5.00/month and spend my time suing this Court for all the criminal errors and acts that took place in my case. It was illegal for the Court to hold me in jail when there is an obvious disparity - $4.4 million disparity between where my wife is and where I am since our separation date of September 23, 1991 (beginning date of my disability payments). I should not have been in jail while the Court corrected all its errors because the order placing me in jail was based on duress and not based on any true figures of calculations. There were a few petitions filed in Montgomery County Court and an injunction as part of a lawsuit - Civil Rights 42 USC Section 1983 complaint filed in Federal Court during the latter part of 1994 and early 1995 to hold in abeyance the contempt until after the Modification of Support took place. See the Appendix pages RR 1788 - RR 1820 / RR 1821 - RR 1881 / RR 1348 - RR 1411. I attended a hearing in the Federal Court on December 2, 1994 on one of my injunctions. Judge Albert Subers just denied every petition and he had

illegally denied a good many of them without his having any jurisdiction because of his being recused at Superior Court and Pennsylvania Supreme Court.

18. There can not be any money dealings between my wife and me! Sarita finds so many sneaky multiple ways to over-deduct and I will not spend my life trying to figure out her cheating ways. Sarita has grossed $1.4 million since 1991 as opposed to my disability income. She will continue seeing a patient at her Delaware practice and Florida practice and deduct 100% for trips and entertainment back and forth, deduct furniture as equipment at her present house location in Rydal, Pennsylvania and because she may see a patient at her house she will deduct a good portion of the house. She takes out loans, keeps cash and deducts interest. She gives money to her mother, calls her an employee, and uses this as a deduction. She added depreciations to her deductions that needs to be deleted from the figures from which support is calculated. Entertainment is over-deducted. In 1991 Sarita received a $5,000 check for "over-head protection" and she deceitfully did not report it to the Montgomery County Domestic Relations Office or on her 1991 taxes.
Ann Marie Bradford, our disability agent, can be subpoenaed with this information and any other overhead protection check Sarita had received.

19. Sarita is planning to live and practice in Florida part-time and return to Pennsylvania several months a year and practice in her Delaware office (deducting 100% for the trips) while keeping baby-sitters watching my children. I learned the above plan from Jillian during the Summer of 1995. Sarita works until 10:30

P.M. (business tycoon) and comes home even later while a baby-sitter is usually with my daughters while she wards me off with her family politics through the Courts. The children are in the house at times by themselves.

20. Sarita and the Court owes me several hundred thousand dollars after the Court modifies the support retroactive to September 23, 1991 and eliminates the approx., $75,000 Alimony Pendente Lite and corrects her over-deductions. Sarita and the Court owe me for Post-Divorce Alimony, ½ my furniture, grandparent's antiques and furnitures, etc. I should have been the one receiving Alimony Pendente Lite, not Sarita. I should be paid back for all the money I spent (several hundreds of thousands) for me to defend against the criminal activities the Court performed and Sarita's bad faith litigation. There are five criminal activities of the Court listed below that have cost me well over $50,000 to defend against and others very costly.

Briefly, the Court has:

1. **Delayed hearings until after the damage has already been done (sold my estate without correcting alleged support arrearages).**

2. **Burying evidence and depriving my witnesses from testifying (ex. Psychologist, voice expert, my children).**

3. **Ignoring and suppressing my claims of Sarita's fraud and perjury.**

4. **Ignoring petitions filed and automatic denial; ignoring and no Court enforcement of subpoenas and no Court enforcement for Sarita to answer her 1991 - 1992 interrogatories.**

5. **Eleven judges in Montgomery County Court involved in some aspect of my case and most say "they did not do it" and no judge reading all material of the case.**

6. **Court not enforcing its own orders of visitation and talking privileges (No right to be a parent).**

7. **Selective Jurisdiction - Judge Subers' February 27, 1995 and March 24, 1995 hearings.**

8. **Deleting critical information out of transcript - specifically February 15, 1995 hearing in front of Judge Salus - Judge Samuel W. Salus II admitted that he was good friends with Sandra Newman. This was all deleted out of transcript. The Philadelphia Inquirer was witness to this.**

9. **Denial of Due Process Rights, Procedural Irregularities.**

10. **Judicial abuse in illegally selling my estate, and illegally dissipating all the escrow money $143,000, both through politics, explained below!**

On August 2, 1993, Judge Samuel W. Salus II gave away my estate through politics, through Sandra Newman, without a hearing, without a proposal for me to buy my own home, through judge shopping and exparte. Judge Salus was a temporary judge with no knowledge of my case. Yet he overruled Judge Paul W. Tressler who revoked the same two page order two days prior. But Judge Salus signed this two page order and allowed my house to be sold. It sold for about ½ price and Sarita took all the money. I put almost $250,000 in improvements into the house and Sarita sold it for only $290,000 and took all the escrow money ($143,000). See Pages RR 2819 - RR 3073 which include the above orders in Jillian's King's Bench which was entered in Pennsylvania Supreme Court. I went to the United States Supreme Court twice to try to stop the sale of my home and try to correct this situation.

> The Fourth Amendment states the right of the people to be secure on their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; no warrants shall issue upon probable cause supported by oath or affirmation and partially describing the place to be searched and the person or things to be seized.
>
> Referring to the Fourteenth Amendment of the Constitution of the United States Section I: All persons born or naturalized in the United States and subject to the jurisdiction thereof and citizen of the United States

wherein they reside NO STATE shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of Law nor deny to any person within its jurisdiction the equal protection of the Laws.

Robert G. Katz Esq., who was Judge William T. Nicholas' Law Clerk from 1990 - 1992, left that position and worked for Astor, Weiss, and (Sandra) Newman, Sarita's legal representation and Robert G. Katz Esq. wrote the petitions to take away the full $143,000 from the illegal sale of the home. Katz submitted these petitions to judges he had worked for previously which was a conflict of these petitions to judges he had worked for previously which was a conflict of interest. Robert G. Katz Esq. is now working as a law clerk in the Commonwealth for Judge Sandra Schultz Newman (now judge in the Pennsylvania Supreme Court). I went several times to the Federal Court with law suits and injucntions, etc. to try to stop the dissipation of the escrow monies from the illegal sale of my house, to have the monies returned to the escrow account so I could buy my home.

CORRUPTION - Sarita and her family

1. Sarita's father, Dr. David Rubinstein, cheated the government out of $500,000 of federal income taxes in 1980 and spent $500,000 on lawyers. Sarita also over-deducts on her taxes.

2. Sarita's father and brother started a medical business

together. Their business failed and they cheated my brother out of approximately $14,000 of furniture that they purchased from him. My brother tried to get his furniture back and they did not want to give it back.

3. The Rubinstein family left Cuba illegally, pretending to be on vacation.

4. Sarita's mother, Faiga Rubinstein, laughs when her cousin gave a wedding for $100,000 on bankruptcy money. Her cousin borrowed the money and gave a wedding after going bankrupt.

5. Within a few days after Sarita's grandmother died, Sarita's mother got away with taking all $15,000 out of her mother's account.

6. Sarita had (paid) a retired Philadelphia Police officer (possible patient of hers) to stab seven tires on two of my cars in February 1992. Gutin, Esq. called Robert Katzenstein, Esq. and told him that two of my cars' tires were slashed.

7. Sarita has (paid) Linda Smith to lie and then Linda Smith made a tape and notarized letter recanting what she testified to and then Sarita had (paid) Linda to come back before and tell Roger Boe Reynolds, Jr., Esq. that it was not her voice. It was proven by a voice expert analysis (two reports) that it was Linda Smith's voice on the tape. The analysis was ordered by Reynolds and then Reynolds, Jr. said that voice

analysis is not acceptable in Pennsylvania court after he had requested (ordered) one to be performed and I paid several thousands of dollars. Reynolds, one year later, in his report buried this information which would have helped to prove perjury and fraud in the court.

8. Just prior to the separation (September 23, 1991), Sarita forged my name twice on two Nationwide Insurance checks (for repair estimates) - one check for over $3,000 and one check for over $1,000, and she cashed both checks herself at Atlantic Financial Bank and she took the money. I have proof and written complaint was filed with the District Attorney's office.

9. With all the money we both made, Sarita would knowingly walk out of a store (health store) without paying for an assortment of nuts and Soya beans she carefully prepared for herself so she could lose weight.

10. With all the expensive clothes she had, (in fact she converted one of our seven bathrooms into a storage for her expensive clothes and had it wired to police station), her hobby on the weekends would be to return items she purchased the past one to three weeks prior.

11. Sarita and her family use politics (Sandra Newman) to get their way with the Pennsylvania courts. Then the judges have to protect themselves from the criminal conspiracy that they have performed in my case by using their "policy" that they have been getting away with for years through their

established trillion dollar racket to deprive me of my children, my right to be a parent, my work, my due process rights, my monies, my property, my rights, now my freedom and the possibility of my returning to work and then the court would like to use psychology or psychiatry as a weapon to protect themselves against the several criminal activities that the court has done in my case. The Montgomery County Court had declared Dick Bosa mentally deficient and meanwhile he is currently mayor of Berlin, New Hampshire. See petition filed with the Montgomery County Court: Petition to Request The Court to Cease Using Psychiatric Confinement of the Petitioner as a Condition for Equitable Consideration Pages RR 1093 - RR 1099.

12. Sarita's millionaire father died July 23, 1991, two months prior to our separation and there should be an inheritance factored into the equitable distribution equation except for the fact that the will was written in double-talk and Sarita will just receive the inheritance underhandedly through her millionaire mother with whom she has a close relationship. Sarita's mother received $700,000 from the life insurance from the death of her husband, then she sold her eleven bathroom house, which surrounds a swimming pool in Penn Valley for $1.5 million, sold her furniture for an additional $300,000 and sold her husband's psychiatry practice for an additional $25,000 and rents out her custom designed "sample" condominium at the Crystal House.

22. There will be no more extortion of money, etc. (up front money), and then the court would someday or some year in the future deal

with correcting the support and giving me back any refund due to me, as Judge Albert Subers stated in his opinion to Superior Court and Judge Marjorie Lawrence mentioned in the October 3, 1995 conference (a Montgomery County Court policy that needs to be changed).

A few examples:

1. July 25, 1994 hearing (Judge Subers) - given $67,666.
2. December 5, 1994 hearing (Judge Hodgson) - given $6,000.
3. Selling my house - escrow monies - given $143,000.
4. Bail - $75,000.
5. November 7, 1996 hearing (Judge Subers) - $32,000.
6. January 31, 1996 hearing (Master of Support, Frederick Cohen) - $25,000.

The Montgomery County Court must completely and correctly modify support and correct the errors that it has made in the past 4¾ years in this case by previous judges.

23. The court deals with threatening and coercion. I can play the same game (legal) too.

    1. If the Montgomery County Court decides to try to pressure me into signing my disability claim form prior to their resolving the "Agreement of 1/22/96" in its entirety, I will authorize Monarch Insurance to change and reduce my monthly disability payment from $5,000/month to $5.00/month retroactive to 12/94 to present time and continue payment at $5.00/month (still

maintaining my disability status) until Montgomery County Court modifies support retroactive to September 23, 1991, deals with custody and eliminated Alimony Pendente Lite, judgment, bail, bail revoking, and therefore removes its attachment against my monthly disability payment. After the court modifies and corrects their above past errors (see Agreement 1/22/96), I will reinstate my full $5,000 payment. The disability money is trivial to this case compared to the 4.4 million dollar disparity between my wife and me. Even Judge Marjorie Lawrence said at the October 3, 1995 conference that my wife should be paying me post divorce alimony and a huge chunk of money should be credited to me and a possible scenario that in this case no one should pay the other anything.

2. An 88 million dollar law suit naming 67 defendants can be entered into Federal Court. Key pages have already been signed by me prior to my entering the Medical College of Pennsylvania Hospital on October 23, 1995 for chest pain.

3. Continuing the recusal of Judge Albert R. Subers.
   Continuing the disbarment of David Gutin, Esq.
   Continuing the malicious prosecution for perjury and fraud against Sarita Schapiro with the District Attorney, etc.
   Continuing class action Federal Court law suit.
   Continuing the impeachment of Judge Samuel W. Salus II.
   Continuing the hearings in Federal Court and eventual

subpoena of certain judges.

Continuing appeals, exceptions, allocators, King's Benches, Writ of Certioraries.

Continuing actions with Supreme Court Disciplinary and Judicial Conduct Board.

Continuing two internets (New Jersey and Maryland) - received worldwide.

Continuing news releases, newspaper articles, radio, book - The Divorce Mafia, eventual television.

4. Assuming Jillian (16 years old on August 5, 1996) lives with me at my three bedroom apartment in Jenkintown, PA (custody); if my wife takes Lauren (11 years old on September 16, 1996) out of the state of Pennsylvania, then (2) above will take place with even more Federal Court jurisdiction no matter what money agreement occurs and whether Jillian is living with me at my apartment in Jenkintown, PA...I WILL NOT BE ABLE TO GET BACK TO WORK WHILE I CAN NOT BE WITH MY DAUGHTERS!

5. Either I can live and practice podiatry in Florida near where Sarita is moving and have equal custody and equal support or Jillian will live me at my apartment at the Benson Manor Apts. in Jenkintown, Pennsylvania so she can continue going to the same Abington High School where she is doing well which is located in the same Abington district as my three bedroom apartment and Lauren will live with me or in the Pennsylvania vicinity with enforced visitation. It is Jillian's wish to live with

her father! Jillian stated that she wants to live with her father to Judge Paul W. Tressler at July 6, 1995 hearing, and in many notarized letter of hers, many of which are included as exhibits in her Federal Court law suit filed 3/95. At the February 18, 1996 forty-five minute visitation at the jail in front of my brother and his wife, Jillian told me twice she wants to live with me. I NEED TO BE A FATHER TO MY CHILDREN! I need to be with my daughters to take care of them and see them grow up. The court and Sarita are completely evil for preventing me from being with children.

As psychiatrist Dr. Edmond Cava stated in his letter of 3/15/93, that "In spite of all the above, I do not feel that he is incapacitated as far as being in contact with, making arrangements for and taking care of his children. This, in fact, would have a stabilizing and beneficial effect on him." Dr. Cava's letter is included in the Accounting Petition filed November 30, 1995 by George E. Walker, Esq...(Exhibit 8)

24. The only values that my wife can teach my children are:

a) How to cheat on your husband.

b) How to lie and put your husband out of his house in three easy steps.

c) How to use police, hospitals, psychiatrist, therapists, politics, a dishonest lawyer, disciplinary school and

juvenile court falsely to get what you want.

d) How to redirect mail away from the children, unlist the phone, alert everyone with old past orders from judges who never met me in order to keep their father away.

e) How to be money-hungry, materialistic, very plastic, manipulative, calculating, controlling, domineering, possessive, independent, schemer, stubborn as a bull (Taurus), liar, spiteful, heart of ice, an actress with her memorized lying lines (you need to give her an applause), dictator and as my daughter, Jillian states, "Everything is for her, her, her." Jillian stated that I would make the better parent.

f) How to threaten your children to try to get them to do what you want like not seeing and talking to their father and to not know how to manage your children.

Jillian has been threatened by her mother with:

1. Psychiatrist and psychiatric hospital.

2. Wilderness Outpost Program in Oregon.
   I have tapes of Jillian crying to me of her mother threatening her to send her to this program in Oregon and she wants to live with me.

3. Disciplinary school in Maine (Hyde School)
   Another of Sarita's failures to manage her daughter.

Jillian was punished and lost three months of school in Maine.
Jillian was not allowed to attend classes, talk with anyone, and she had to pick up branches all day.

4. Confined to house for two months by her mother when Jillian returned to Pennsylvania from Maine.
Jillian lost two more months of school and was not allowed to see her friends.
Jillian lost a total of 5 months of her ninth grade year.

5. Used juvenile court to try to make Jillian a juvenile dependent (in front of Judge Paul W. Tressler).

6. Bribe my children with her's and her family's wealth and possessions.

Lauren: I have many tapes of Lauren crying on the answering machine to be with me, crying "Daddy, Daddy, Daddy."

Jillian's psychiatrist, Dr. Harvey A. Horowitz (1) and Malcolm Gauld, headmaster of Hyde School (3), have both been sued in Federal Court in 1995.

g. How to prevent the entire Schapiro family from talking and seeing my daughters for 4¾ years and the court does nothing to change this despite all petitions. eg. Sarita prevented my mother from seeing and talking to my children (except for

three occasions) for 4¾ years.

h. How to raise your children with baby-sitters.
At present I am on disability and would have more time to directly care for my children.

i. How to almost never cook for your husband.

j. How to not help your children with homework.
Sarita was born in Cuba and speaks Spanish. Jillian stated on February 18, 1996 visitation at the jail that her mother never helps her with her Spanish or her homework. Jillian is taking beginning Spanish again in the tenth grade.
I concentrated in math and science besides taking courses to go into medicine. I have tutored chemistry and trigonometry. I can help Jillian with her homework.

k. How to not offer any stability for your children.
Sarita is moving the children from school to school and must now be prevented from moving them to Florida!
Lauren went for Wyncote School in Jenkintown school to now Rydal/Abington school.
Jillian went from Jenkintown school to Maine - the Hyde School - and is now doing well at Abington School.
The children could live with me and continue going to Abington schools.
When Sarita returns to Pennsylvania, she can be with the children.

25. Besides my love, besides my taking good care of my children and providing well for them, besides taking good care of their health as I am a doctor, besides my feeding my children well , besides helping them with their homework and besides my offering stability for my children,

I offer protection when emergencies happen:

1. On July 6, 1994, I saved Jillian's life by acting very quickly. A parking attendant floored in reverse by mistake the car that Sarita and I had just gotten out of with Jillian about 35 pounds on my right shoulder sleeping. As I was walking behind the car, I reacted very quickly to get Jillian out of harm's way and I ended up as a result with my left foot in another direction which need surgery - two screws in my left ankle for ten weeks. The car ended up over the curb on the grass behind us.

2. There was a major fire in one of the rooms of our house. With a large fire extinguished, I put the fire out just as several fire engines pulled up to the house. It took a month for my lungs to feel normal.

3. We had two smaller incidents where I reacted fast to prevent disaster.
    a). In the children's room the extra plug-in heater caught on fire and I quickly put it out.

    b). In the basement the heater motor caught on fire and I quickly put it out.

4. As a teenager, as I worked as a lifeguard at a swimming pool, I saved a small boy from drowning.

5. My grandmother's pressure cooker blew up in front of her and I got her to the shower and got her help.

6. I worked in between the college year in a physical therapy facility where I quickly reacted and prevented a lady from falling.

26. When Sarita had lied to the court, the court criminally went out of their way to deny my witnesses and not enforce my subpoenas, to bury the evidence which would help prove my wife's perjury and fraud on the court and then I was threatened with jail at the July 25, 1994 hearing in front of Judge Subers if I didn't drop the exceptions to the Divorce Master Reynold Jr's reports which would have uncovered this evidence. How can Sarita get rewarded 2.5 thousand dollars, which was taken out of the escrow monies for the illegal sale of my home, for her to be an expert witness and lie at her own divorce proceedings?

27. Gutin, Esq. many times has just blatantly lied to the court to get their way and I spent my time, energy, and money proving their obvious lies and the court does not care to do anything about it.

Few examples below:

a). There was a conference between David Gutin, Esq. and two of my lawyers, Robert Katzenstein, Esq. and J. Michael Considine, Jr., Esq. for hours just prior to the (few hour) delayed July 25, 1994 hearing in front of Judge Albert Subers where it was agreed between the three lawyers that I would see my children monitored each week by my brother. This agreement was honored only two times, on September 5, 1994 and January 3, 1995. Contempt petitions against Sarita, emergency petitions and law suits (see Civil Rights 42 USC Section 1983 complaint RR 1821 - RR 1892) were filed to get enforcement of this agreement and David Gutin's lying response was that this agreement never occurred. Immediately, Robert Katzenstein, Esq. and J. Michael Considine, Jr. Esq. each wrote letters (RR 1821 - RR 1892) that there had been this agreement. Also, my brother wrote a letter (notarized) that he was the agreed monitor and the meetings with children took place only two time after great difficulty dealing with Sarita's excuses each week. Judge Albert R. Subers would not enforce this

visitation agreement because it was not verbalized/written into the actual hearing/transcript of July 25, 1994.

From September 20, 1993 to Judge Kent H. Albright's March 29, 1996 order, there was and still is an order allowing 15 minutes talking privileges twice a week with my daughters that my wife violated, documented 57 times during the period of time from Judge Joseph A. Smyth's September 20, 1993 (reign in my case July 1994 to July 1995) nor Judge Marjorie C. Lawrence (reign in my case July 1995 to December 1995) would enforce even for one time for Sarita to comply with this minimal visitation right no matter how many contempt petitions were filed and how many times their offices were contacted.

See petitions that Judge Subers ignored, refused, mooted, and/or denied for contempt against Sarita Schapiro:

Petition for Contempt Against Sarita Schapiro and to Enforce Custody Portion of September 20, 1993 Order, Allowing for Phone Contact Between Petitioner/Father and Partie's Minor Children, and to Allow Petitioner to Have Sole Custody of Jillian as an Alternative to Her Mother Sending Her Away to School in Another State, and Shared Custody of Lauren.

RR 1113 - RR 1119

Documentation of Sarita Schapiro's Violations of the September 20, 1993 Order

RR 1120

Petition for Contempt (Against Sarita Schapiro's Violations of Partial Custody Order

RR 1329 - RR 1347

Emergency Petition for Defendant's Sole or Equal Shared Custody of Parties' Minor Children and Request for Counsel

Fees.

RR 1505 - RR 1559

Emergency Motion for Enforcement of Court Ordered Telephonic Communications and Request for Counsel Fees.

RR 1560 - RR 1566

Amended Emergency Petition for Defendant's Sole or Equal Shared Custody of Parties' Minor Children so as to Incorporate Jillian Schapiro's Written and Verbal Communications to Father in Regards to Custodial Preference and Related Matters, Request for Emergency Custody Hearing and Request for Counsel fees.

RR 1567 - RR 1586

Also see:

Jillian Schapiro's Federal Civil Rights Complaint.

RR 2721 - RR 2791

Jillian Schapiro's King's Bench in Pennsylvania Supreme Court.

RR 2528 - RR 2797

Sarita has Torturously and Continuously interfered with my minimal visitation rights and this court criminally has not enforced its own orders or taken any action against Sarita's contempt. Sarita even prevents my mother from talking to my children.

b). Gutin, Esq. lied to the court several years ago when he told the court that Jillian's Psychiatrist, Dr. Harvey a. Horowitz, stated that "It is in the best interest of the children to not talk with their father." At that time, Dr. Horowitz had neither met me or spoken to me. Approximately 1½ years later, Spring of 1995, I spoke to Dr. Horowitz several times. Dr. Horowitz said to me that he never made any statement about

what Gutin had said to the court above and he was going to write a letter to this effect, but he took too long to write it and he was sued in Jillian's Federal Court law suit, filed April 24, 1995, and then Dr. Horowitz instead of writing anything hid behind his lawyers. Dr. Horowitz has been subpoenaed several times to hearings and he used his lawyers to dodge all four subpoenas.

28. Previous judges have made promises in several hearings that they do not keep. Three examples listed below:

    a). Judge Joseph A. Smyth promised Jillian at the September 20, 1993 hearing that if she did not see her father for six weeks, he would consider dropping the monitoring in approximately six weeks at the next hearing. Not only was there no hearing, not only did he not drop the monitoring, but Judge Smyth did not even enforce his own September 20, 1993 order allowing for phone privileges twice a week.

    b). Judge Richard Hodgson, at the December 5, 1994 hearing after I signed the Monarch form allowing Sarita to receive $6,000, emphatically promised me and my lawyer, George E. Walker, that the minimal visitation of talking on the phone to my daughters each week would be strictly enforced and the judge even asked Gutin, Esq. for his assurance and Gutin, Esq. agreed. Also, Judge Hogson assured us that the modification of support hearing would take place within 60 days of the December 5, 1994 hearing. NEITHER HAPPENED!

    c). Judge Albert Subers, at the July 25, 1994 hearing, after I signed the Monarch form allowing Sarita to receive $22,666 agreed that there would be a modification of support shortly. DID NOT OCCUR! Sarita also received $45,000 from the escrow monies at this hearing and had just received $55,000 from the escrow monies a few weeks prior to this July 25, 1994 hearing.

29. There has been no justice in my case. Every aspect of my case is in error. One of the court's criminal errors, performed by Judge Subers against me, is explained below in a little more detail. See Jurisdiction Number 20, Sub. 7 of this writing.

Judge Albert R. Subers prevented me from presenting the merits of my filed December 20, 1994 Recusal Motion against him at the January 27, 1995 recusal hearing and he prevented me again at the February 21, 1995 recusal hearing and Judge Subers ignored and refused dealing with any of the emergency custody issues. Judge Subers on both occasions dismissed his own recusal hearings without writing an order to this effect so that I could not appeal to the Superior Court.

Judge Subers dismissed the scheduled custody and modification of support hearing on February 27, 1995, which had been continuously continued for over one year when he said that he had no jurisdiction. In fact, he did have jurisdiction; I only appealed Judge Suber's dismissal of his own recusal hearing to the Montgomery County Court because I was not able to appeal the recusal issue to the Superior Court before the February 27, 1995 hearing because Judge Subers purposely did not give me an order that I could appeal from.

Judge Subers could have heard the merits of his recusal at the February 27, 1995 hearing, denied it like he had denied everything else in this case, and proceeded on this date to deal with the emergency custody issues and modification of support. It is not right or fair that a judge can be the judge of his own recusal when he has an interest in the outcome!

Judge Suber's staff very quickly rushed this recusal appeal petition, that I filed at the Prothonotary Office at the Montgomery County Court one hour before the February 27, 1995 hearing, to Judge Subers' courtroom so that he could and did use it as an excuse and an opportunity to not proceed with the

very needed modification of support, dealing with the emergency custody issues and emergencies with Jillian (children to testify) scheduled for this February 27, 1995 hearing. To the date of Judge Subers' reign in my case, he ignored all emergency petitions (two emergency petitions that George E. Walker, Esq. presented to him on November 29, 1994), injunctions, and even had me escorted out of his courtroom and court building by several guards in January 1995 when I especially came to the court to show him my daughter's emergency letter.

It seemed at the February 27, 1995 hearing that Judge Subers was working with Gutin, Esq. to do whatever Gutin wanted so he would not have to deal with my issues - the way this case has gone from September 23, 1991. At the February 27, 1995 hearing, Judge Subers asked Gutin, Esq. if he had jurisdiction and Gutin, Esq. basically said No! (exact quote from the transcript below) Judge Subers said about ten times at the February 27, 1995 hearing that he did not have jurisdiction to proceed with any of the issues of the case.

Exact quotes from February 27, 1995 transcript:

Page 4:	The Court:	Mr. Gutin, are my hands tied?
	Mr. Gutin:	I think probably until the appeal is either withdrawn, Your Honor, or disposed of by the Appellate Court, I believe that's accurate.
	The Court:	I'm not sure it's an appeal to the Appellate Court yet I don't know what it is.
	Mr. Schapiro:	I'm waiting for your order so I can—
	The Court:	You have an order, It was made here in open court.
	Mr. Schapiro:	Right, but I can't appeal a transcript. You've been giving all transcripts and no orders since July 25.

The Court: They are the orders. I don't have to write an order when it's in the transcript.

Mr. Schapiro: Superior Court doesn't want a transcript. They want an order.

Mr. Gutin: A certified copy of the transcript would be acceptable.

Mr. Schapiro: Not to the Superior Court.

Page 6: The Court: - - , but now I have an appeal which basically removes jurisdiction from me to do anything or from this court.

Page 6: The Court: Well, right now I have no jurisdiction to hear this matter.

Page 8: Mr. Walker: If you said that you have no jurisdiction and I can see that this appeal matter is solved, if in the interim you await the disposition of that matter, will those cases then be put off, the March 3 and the more extended hearing?

The Court: Well, first of all, they're conferences and there's really nothing to conference that I can hear. For example, if these matters will have to be taken up, I can't even order them for a hearing. I have no jurisdiction.

Mr. Schapiro: Well, maybe if you would treat some of the emergencies that are emergencies, we wouldn't be having to put petitions forward.

The Court: I can't. You filed a petition to recuse. We had to take care of that. Now you have appealed that, and there's nothing I

can do.

Page 13: The Court: Right now we have nothing before this court that I can deal with except your petition to - -

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Page 13: The Court: It well might be, Sir. I can't hear it. You have taken away jurisdiction from me.

Page 15-16: Mr. Schapiro: Judge Subers, I have one last thing, one last opportunity, one last thing. Before I - - if I may dismiss that recusal without prejudice.

The Court: No.

Mr. Schapiro: - - I want to, at least, bring this one item to your attention.

The Court: No, there's nothing to bring before my attention. I can't rule on anything, Sir.

Page 17: The Court: I'm sorry, Sir, I have no jurisdiction.

Page 17: The Court: I have no jurisdiction, Sir, right now because of your petition outstanding.

Judge Subers dismissed a scheduled custody/modification of support hearing on February 27, 1995 when he said he had no jurisdiction. Nevertheless, he illegally allowed a March 24, 1995 hearing to take place, illegally making his own jurisdiction to bifurcate the case when now he had no jurisdiction and no jurisdiction to even hold the March 24, 1995 hearing because I had appealed the recusal issue to Superior Court of Pennsylvania

on March 14, 1995 and also appealed in Pennsylvania Supreme Court prior to the March 24, 1995 hearing. Judge Subers bifurcated the case without his having jurisdiction and he went against the Pennsylvania rules of the Appellate Procedure 1701 (c) wherein the taking of an appeal divests the trial court of jurisdiction.

But Judge Subers played illegal "selected jurisdiction" on the court because at the illegal March 24, 1995 hearing after his illegally, conveniently deciding to now have jurisdiction to bifurcate the case (what Sarita and Gutin wanted) and put me on a bench warrant when I was in the Abington Hospital ($2,000 bill), Judge Subers decided again that he still did not have jurisdiction to modify the support or deal with the emergency custody issues or any of my, Dr. Paul Schapiro's, issues which constitute multiple criminal acts by this judge doing whatever he wanted to.

On March 9, 1995, Judge Subers entered an order (which was the only order he entered in the recusal matter) denying my Petition to Appeal Judge Subers' Dismissal of His Own Recusal Hearing (which was not heard and never to be heard on the merits) as if it were a reconsideration. Judge Subers thought he could be sneaky to continue the trend of the court's criminal acts against me by changing or re-labeling my appeal petition a reconsideration and then his putting out an order only to deny the reconsideration petition and then Judge Subers said that I only appealed to Superior Court his order to deny the reconsideration and did not appeal the actual dismissal of his own recusal hearing. The only order I could and did appeal to Superior Court ,which was the only order Judge Subers wrote concerning the recusal matter was the order denying the reconsideration. According to the Superior Court staff, I could not appeal (except for an actual order) to the Superior Court anything else like the transcript as Gutin, Esq. and Judge Subers suggested I should have done (see above quote from transcript page 4). Judge Subers acted as an agent for my wife's law firm and the court is continuing to play their tricks and

criminal acts to oblige Gutin, Esq. and his law firm.

When you appeal an order denying reconsideration of a certain matter (dismissal of recusal hearing) it should also appeal the matter (dismissal of recusal hearing) you are reconsidering. Judge Subers makes this differentiation as if he were a lawyer acting on behalf of Astor, Weiss, Kaplan, and Rosenblum.

To continue his criminal acts against me after the March 24, 1995 hearing, Judge Subers revoked a $75,000 bail. Judge Subers revoked this bail without a hearing but only on the basis of Gutin's motion and he ignored my petition to prevent bail from being revoked.

30. Summary of Events
Hearings Occurring From 7/94 to 3/95
A Few of the Petitions Filed From 11/94 to 9/95

Key:
(J) - Jurisdiction
J. - Judge
C/S - Emergency Custody Hearing/Modification of Support Hearing
(H) - Hearing
* - I was present at the court and at the following Hearing
- - Sarita was present at Hearing
(G.W.) - George Walker, Esq. and J. Michael Considine, Jr., Esq represented me at this Hearing
(K&C) - Robert Katsenstein, Esq. and J. Michael Considine, Jr., Esq. represented me at this Hearing.
^{2} - Was Sued in Federal Court at least 2 times by Me and/or Jillian
^{3} - Had tried to Impeach him with the House of Representatives at least 2 times.
^{0} - Have been reported to the Supreme Court Disciplinary or the Judicial Conduct Board.
@ - Have been written up in a Complaint to the District

Attorney's Office

§ - Have appealed a Recusal Issue of this judge to the Pennsylvania Supreme Court.

As you can see from the hearings below, when I was not on a bench warrant from July 20, 1994, I attended more hearings and I caused more hearings to occur than the Montgomery County Court even cared for in order for me to try to attempt to correct the past court errors, yet now that I was coming to court the judges were not letting me explain much. Prior to July 20, 1994, I had been under a bench warrant from Judge Lowe who had only been involved in my case for approximately a 30 minute (H) on July 27, 1992. Judge Lowe, at the July 27, 1992 (H) did not know anything much about my case and he wanted $5,000 for spousal and child support or for me to be on a bench warrant while the court was basing their support calculations on incorrect figures of my 1990 year (over $300,000 gross) instead of my 1991 separation year ($22,000 net). Sarita was depriving me of all contact with my daughters, living in my house with my $400,000 of furniture, keeping me away with her politics, and I was spending $5,000 and $10,000 at a time on lawyers to try to correct the money matters and lies to her illegally obtaining "temporary custody" of our two daughters.

* July 20, 1994 (H) J. Lowe[2] - I was in a wheelchair just released out of the hospital (car accident) on this date. Judge Lowe did not know how to handle this case so he put me on a $75,000 bail after which I was in jail for 2 days.

* July 25, 1994 (H) (K&C) J. Subers[2]§
I attended hearing, just recently out of the hospital and jail and was medicated. Hearing was

held under duress. I signed $22,666 to Sarita for 9 months of disability payments unclaimed (approximately ½ my disability payments). A few weeks prior to this (H), Sarita had received $55,000 and at this (H) received an additional $45,000 both from the escrow monies for the illegal sale of my house. I was forced to drop the Exceptions to the Divorce Master Reynolds, Jr.'s[20] report which would have helped prove Sarita's fraud and perjury on the court. I was forced to give Sarita my BMW and maintain a $75,000 bail. He failed to enforce the promised C/S.

* December 1, 1994 Contempt (H) (G.W.) J. Hodgson - 1st day

* December 2, 1994 (H) (G.W.) J. James M. Kelly
George Walker, Esq and I attended a hearing in the District Court of the Federal Court on our injunction that we filed.

* December 5, 1994 Contempt (H) (G.W.) J. Hodgson - 2nd day
I signed $6,000 over to Sarita. J. Hodgson failed to keep his emphatic promise to enforce the C/S and my visitation/talking privileges.

On December 20, 1994, I filed a motion to recuse J. Subers. Recusal was due to J. Subers' grossly contemptuous handling (ignoring) two emergency

petitions which (G.W.) personally presented to him on November 29, 1994.

J. Subers ignored and refused to act upon the relief Motions for inequities resulting from "July 25, 1994 agreement" induced under extreme circumstance of duress and Sarita's complete disregard of visitation terms which had been agreed upon was a cause of his being recused.

J. Subers ignored and refused to act on injunctions to put contempt proceedings off until after the correction, reduction, and modification of support took place which had been put off, delayed, and continued approximately over a dozen times in the form of exceptions to Support Master Matthew Santangelo's[2] July 27, 1992 spousal and child support determinations followed up by Federal Court law suit then modification of support petition.

* January 1995 (approx. 2nd week)
  I came especially to J. Subers' courtroom to show him my daughter's emergency letter and he had me escorted out of the courtroom.

* January 27, 1995 Recusal (H) Judge Subers - 1st recusal day
  J. Subers dismissed his own recusal (H).

* February 12, 1995 Domestic Relation[2] (H) (G.W.)
  Sarita[@2] and Gutin, Esq.[20@] did not attend this hearing.

* February 15, 1995 Contempt (H) (G.W.) J. Salus [230]
  I used this hearing to express my

WHEN J. SUBERS DID NOT HAVE (J) HE SAID HE DID AND THEREFORE BIFURCATED THE CASE BUT ILLEGALLY AND ILLOGICALLY STILL DID NOT DEAL WITH C/S.
Sarita has no incentive to resolve the economic issues since the bifurcation/divorce was granted. On March 24, 1994, while I was at a hospital (my hospital stay cost $2,000), J. Subers illegally put me back on a .bench warrant.

On April 24, 1995, Jillian Schapiro's Federal Court lawsuit was filed.

On May 19, 1995, Jillian's amended Federal Court lawsuit was filed.

On June 9, 1995, near the end of J. Subers' reign in my case, he gave his almost last stab of revoking my $75,000 bail after having put me on two bench warrants and later putting me in jail. J. Subers is basically putting me on two bench warrants, revoking bail and putting me in jail for 6 months as a way to make it more difficult for me to freely defend my recusal petitions against him and lawsuits against him in the higher court.

On September 30, 1995 I filed an application for extraordinary relief in the Pennsylvania Supreme Court requesting that all orders of the Montgomery County be vacated in Case #91-18417 on the grounds of extrinsic fraud.

Sarita and Gutin, Esq. have illegally used false accusations of domestic violence to obtain "temporary custody", as a scheme of unjust enrichment through the ruse of "domestic relations" (H), in obtaining $350/week Alimony Pendente

Lite from me to maintain her fraudulent divorce action against me and there has been no need established, especially when she has an approx. $300,000 gross practice. Gutin, Esq. was awarded $10,000 in counsel fees to maintain a fraudulent action when I spent approx. $400,000 in legal related fees to defend a malicious prosecution, fraud upon the court and criminal activities by the court.

Neil Stein, Esq.[20] stated that there was "new matter" in this case where Sarita has withdrawn all her made up and completely exaggerated allegations before the Divorce Master, Roger B. Reynolds, Jr. , had completed his eight hearing "circus" totally charging us $20,022 which he confiscated out of our escrow monies and the illegal sale of my home - charging over $9,000 alone to write one final report which he delayed the completion of his report for almost one year after the eighth (H) thereby delaying evidence of the obvious actual proof of Sarita's perjury and fraud on the court. When Master Reynolds, Jr., Esq. finally wrote his report, it was a period of time that I was in the hospital recovering from a major car accident. Not only did Reynolds, Jr. bury from his report the obvious proof of perjury and fraud in this case, but I was forced to drop the exceptions to the Divorce Master Reynolds, Jr.'s report at the July 25, 1994 (H) in front of J. Subers. The exceptions would have uncovered this evidence. When the fraud and perjury had been discovered during the Reynolds Jr.'s hearings, J. Bernard Moore had written an order that I could take an exception to the Divorce Master's report. The July 25, 1994 hearing "agreement" caused me to drop these exceptions or go to jail. I had just gotten out of the hospital from a major car accident where I almost died (42 days in traction, 22 days in intensive care, and over a $450,000 medical expense). I was also held in Montgomery County Correctional Facility (jail) for two nights just prior to the July 25, 1994 (H). I was under sleeping pills (Restoril) by a doctor and pain medication because I was hurting and in a

wheelchair; I would have agreed to anything, and I did. Agreements induced under duress are void. I practically said nothing at this particular hearing except for a few words at the end of the (H). I had put a complaint to the District Attorney's Office of this criminal activity of Reynolds, Jr., Sarita, and Gutin, Esq. which will eventually be followed up by a malicious prosecution complaint.

Imagine, Judge Horace A. Davenport had put me out of my house for one whole year at the November 7, 1991 (H), based on a smirk, "his opinion" which was a nervous reaction that may have showed a tooth that occurred at a point of the (H) when no accusations were being made, and out of nowhere, Judge Davenport seized on this "smirk" to make his decision. Believe me, there was nothing to smirk about at this hearing.

31. Attempts to negotiate with Sarita before (1) and after (2) my May 10, 1994 car accident

(1) On April 1994, prior to my May 10, 1994 car accident, I wrote and filed with the prothonotary at the Montgomery County Court:
Paul Schapiro's April 1994 Proposal, Without Prejudice, For Equal, Shared Custody/Support of Parties' "Minor Children". RR 1100 - RR 1112
which was my proposal to my wife at her request when we tried to negotiate this case and Sarita's millionaire uncle, Jacob Goldstein, even agreed to negotiate between us and I agreed to this also and even J. Smyth's secretary said that J. Smyth agrees to her uncle as mediator between us. Imagine, Sarita would not agree to her own uncle as mediator and did not agree to anything in my proposal that I filed with the court. For over 4¾ years, I have not been able to negotiate with her because she and Gutin, Esq. have been criminally able to get 100% of any request, order, or petition to go their way through politics

and the courts did not care to enforce any of their orders (minimal visitation, etc.) against her, have performed criminal acts to oblige my wife and her lawyer and have denied me almost every simple request, petition, and order.

Now the only way to correct this is for the court to correct item for item in each area of this case that is in error and for the court to enforce their orders against Sarita and her lawyer, Gutin, Esq. and then this will be the moment in the case from which to negotiate and Sarita and Gutin, Esq. will take negotiation serious. If one side has everything while that person (Sarita) is working and the other side (me) spends almost everything he has (money, time, and energy) trying to correct that situation while he is unable to work as a result of such a slaughter besides his injuries from his car accident, then it is in the hands of the court to try and straighten this matter out or continue the slaughter against me and continue to be sued.

(2) During the Spring/Summer of 1995, after my partial recovery of the May 10, 1994 car accident, Sarita and I began trying to negotiate by writing back and forth notes (one page letters). At this period in time, Sarita was threatening Jillian to be a juvenile dependent at the Judge Joseph A. Smyth May 23, 1995 juvenile court hearing and again at the Judge Paul W. Tressler July 6, 1995 juvenile court hearing. Sarita knows how to use various types of threats to my children to keep them away from me (see Number 24 sec. c and f) First, she illegally used Montgomery County Court to keep me away from my daughters and then she used the threats of juvenile court and juvenile dependency, as well as threatening to send Jillian to a Wilderness Outpost Program in Oregon. She also used threats of psychiatrists and hospitals to keep Jillian away from me.

Imagine, in one of Sarita's one page letters to me, she states that she would withdraw the juvenile dependency action that she had allegedly claimed against Jillian if I would come up with favorable negotiations in our divorce situation. Sarita was using Jillian as a pawn to attempt to get even more favorable negotiations in our divorce/custody/support case. Jillian and I have experienced great tyranny from the court system and Sarita. This must stop now!

32. Once again, the court (now via Judge Paul W. Tressler of juvenile court who was in the past involved in my case in Montgomery County Court) criminally breaks the rules of the court (replete with procedural irregularities) to oblige Sarita. Instead of bringing fairness to the case and correcting the situation by taking this opportunity to correct a past error made by the previous judges in the case, each new Montgomery County Court Judge in our case seems to have an obligation to protect the criminal acts made against me in this case by previous judges and therefore protects the criminal conspiracy of the previous judges which therefore helps accommodate Sarita and her lawyer, Gutin.

Briefly, we appealed two different Judge Smyth's orders into the Superior Court (No. 1916Ph195 & No. 2077Ph195) and filed a King's Bench (No.113E.D. misc. DKT 1995) into the Pennsylvania Supreme Court:

Defendants' Petition for Extraordinary Relief Pursuant to Pennsylvania Rules of Appellate Procedure (pages RR 2528 RR 2797) which should have divested the juvenile court (judges) of jurisdiction to preside over Jillian Schapiro's dependency case. Also filed with the juvenile court's prothonotary:
Motion for Stay of Jillian Schapiro's Dependency Proceedings Pending Disposition of Her Petition for

Extraordinary Relief to the Supreme Court of Pennsylvania and Appeal of This Matter in the Superior Court
(pages RR 3073 - RR 3084)

Instead, Judge Paul W. Tressler held the May 23, 1995 hearing at Sarita's wishes and against the rules of the court. And, the order resulting from this hearing was also appealed into the Superior Court.

NOTE: This is the hearing (May 23, 1995) that Jillian stated to Judge Paul W. Tressler that she wanted to live with me. The Juvenile Court Prothonotary would not send the record to Superior Court like they are required to and continued to delay; therefore preventing our briefs from being prepared and submitted in a timely fashion where it would have been of some effect to help the situation. Also, Judge Paul W. Tressler frustratingly prevented me from from receiving timely my daughter's transcript, even though there was a statement in the docket from Judge Smyth, that I be allowed to receive my daughter's records etc...mailed to my Benson Manor address. At the May 23, 1995 hearing, Judge Paul W. Tressler ordered that Jillian obey certain rules and regulations of which Judge Paul W. Tressler made impossible for me to receive. There were other irregularities!

33. Montgomery County Court Judges were and are violating my due process rights by not allowing me to have my claims timely heard; by not allowing me to be heard by an impartial tribunal; by not allowing me to present my defense and my witnesses against any allegations made against me. (see Number 20 sub9 and sub 3 of this emergency petition).

    1. If the custody issue would be timely heard, there could have been long ago equal custody and equal support in this case.

2. If the exceptions to the support Master Santangelo's decision of his spousal and child support determinations at July 27, 1992 support hearing would have been timely heard, there would not have been these (and still are) false arrearages and I would have been able to prevent my home from being sold, and for me to buy out Sarita's portion of the house and no bench warrants, bail revoking, and jail.

3. If Roger Boe Reynolds, Jr. would not have delayed with the help of Judge Bernard Moore allowing Reynolds, Jr. to delay this fraud and perjury on the court, and then have buried the evidence of Sarita's perjury and fraud on the court, and, the court would have let my witnesses testify:

   Voice Expert: Reynolds allowed the voice expert only to testify to 80 pages of his voyeur and not testify to the voice expert's two reports which prove that it was Linda Smith's voice on the tape, which I paid several thousands of dollars to have performed (voice analysis). Reynolds. Jr. was the one who ordered and strongly suggested that a voice expert be used. When Reynolds, Jr. learned from the expert's two reports that it was Linda Smith's voice on the tape, recanting her testimony in my favor, Reynolds, Jr's. answer was that "Voice analysis is not acceptable in Pennsylvania Courts", and he buried this proof when he finally wrote his report one year after his eight hearing involvement.

   My Daughters: Several times subpoenaed and the court did not enforce Sarita's not obeying the subpoenas.

   My Psychologist, Dr. Jack Lit: Should have been allowed to testify at the November 7, 1991 hearing. Judge Horace A. Davenport made Dr. Lit get down

from the witness stand without testifying.

I may have been allowed to return to my home, have equal custody and equal support and all the orders from Judge Davenport's regime to the present would have been vacated.

34. Of my keogh monies that I early withdrew near the time of our separation, I still owe a 10% penalty to the government for early withdrawal plus less than 1/3 of that keogh money to be paid back in taxes for early withdrawal plus over four years of interest penalties I still need to pay.
(Note: This is out of my character, all throughout our marriage I have been very particularly careful in paying our bills to not pay any interest charges).

On the other hand, Sarita has an intact $60,000 keogh at the time of our separation, of which incidentally I paid ¾ and according to the current stock market has nearly tripled in value since I paid for most of her keogh.

I have completely spent my early withdrawal keogh monies to defend against a bad faith litigation, criminal activities performed by past judges, my repeatedly trying to communicate with the Pennsylvania courts to try to make this case equal and fair by their correcting the obvious past errors.

The ridiculous $75,000 Alimony Pendente Lite was awarded to Sarita without the court's knowledge that I was on disability! Master of Support Santangelo incorrectly used to calculate support my highest year of earnings (gross) in 1990 which was one year before our separation and my being on disability. Now this $75,000 APL must be credited to me and applied against my $70,000 arrearages! Why should I have been in jail if I didn't owe anything? After the court corrects for Sarita's extreme over-deductions, and uses a figure closer to her gross (approx. $300,000) to determine support calculations rather than her ridiculous over-deducted net of $44,000 and after the court

corrects the past 2¼ years of erroneously basing my support calculations on $14,500 a month instead of my disability of $5,000 a month, Sarita will owe me. It was illegal for the court to keep me in jail while the court takes it time correcting this particular set of errors when the mathematical corrections are so obvious. Sarita also owes me for post-divorce alimony. This court needs to correct the above, let me be with my children to directly support, and let me try to get back to my professional work, podiatry.

Sarita is about to move from her house in Rydal this June, 1996. This would be the next opportunity for the court to order Sarita to return ½ of my furniture to me and all my grandparents' and mother's antiques, furniture, and jewelry.

35. I have a hard time dealing with criminals, dishonest people and people (judges) who continuously break their own rules:

    1. I MAKE A MOVE, e,g, - petitions, law suits.

    2. THE COURT ILLEGALLY MAKES TWELVE MOVES - BUT TWELVE CRIMINAL MOVES (See Number 20) This case is replete with criminal acts by the Montgomery County Court and the court covering up the criminal acts performed by Gutin Esq. and Sarita and the higher courts not wanting to get involved and their accepting this behavior as normal policy.

    3. THE COURT PUNISHES ME (JAIL, BENCH WARRANTS, BAIL, BAIL REVOKING, SANCTIONS) FOR THE ONE MOVE I DO MAKE.

The court needs to let me be the successful Podiatric Surgeon and terrific father that I was and can be by their starting to add some fairness to this case, by the court correcting the past criminal errors it made against me and stop the past trend of each new judge progressively making the situation even worse and

therefore stop its seemingly irreversible path of destruction. If the present judge stays oblivious to the special circumstance of this case and fails to correct the past errors, then higher court intervention will be necessary.

Imagine, one of my main lawyers of my case, Neil H. Stein, Esq.[20], who was totally paid approx. $40,000 from me for legal fees was Sarita's lawyer, David Gutin, Esq.'s partner approx. 10 years prior to the date I hired him and Neil Stein, Esq. never told me about this partnership prior to my discovering it almost 1 year later after I hired him. Neil Stein, Esq. sabotaged me by withholding from filing for many months an important petition that he wrote concerning several money matters such as Sarita to pay me Alimony Pendente Lite and counsel fees and other special relief until after my estate was sold even after I had paid him approx. $7,000.

I will try to slowly get back to my professional work, podiatry, as the court allows me to have a relationship with my children, as the court allows me to directly support my children, as the court removes all its threats against me (release its tyranny) by correcting its past errors it has made and allowed to occur in this case, as the court makes this case fair and as I can continue my needed physical therapy.

I hope to be able to prove to the courts this one promise that I will make to the courts that when I get to be with my daughters regularly that I will do everything in my power to do what is right for my children, to keep them healthy, safe and try to make them happy. I need and they need for me to be in their lives. It is in our best interest. I want this privilege to directly support my daughters.

FOR THE JUDGE:

1. TO DO NOTHING IS SUABLE!
2. TO CONTINUE THE SAME CRIMINAL CONSPIRACY PATTERN OF THE PREVIOUS JUDGES IN THEIR CASE IS SUABLE!

3. **THERE NEEDS TO BE AN EMERGENCY HEARING IN FRONT OF A JUDGE TO CORRECT THE PAST 4¾ YEARS OF ERRORS WITH THE POSSIBILITY THAT IF THIS EMERGENCY HEARING CAN BE COMBINED (THEREBY SAVING LEGAL COST AND TIME) WITH THE NEXT HEARING FOR THE EXCEPTIONS TO THE MASTER OF SUPPORT.**

37. There will be nor more extortion of money, etc. in advance (up front). The Montgomery County Court must completely and correctly modify support and correct the errors that it has made in the past 4 years and 9 months in this case by previous judges. There is over a 4.4 million dollar disparity between my wife and me since the September 23, 1991 separation.

    I do not want to pay my wife anything to help her steal my children away from me, especially when I do not owe any money to her and because she owes me a huge chunk of money and half of my furniture, etc. My wife has "Temporary Custody" of my two daughters long enough. It is my turn to have the privilege to directly support my children.

    My wife has written out in her own handwriting her proposal on February 8, 1992 (2 pages have been attached to support my writings) that I would have equal custody and equal support with her but then one month later she decided to not even let me see or talk to my children, because she can get away with this because of her political connections with the court. The court would not even enforce its own minimal visitation orders.

    I was unable and prejudiced to defend my whole case from a "RAT TRAP JAIL." I don't want to deal with this court system, judges, criminals, tyrants, lawyers, jail, etc...I just want to be with my daughters to take care of them and see them grow up (meantime using my entire disability money to support), to try to get back to work, to have fair treatment with the court by their correcting every aspect of the case.

I should not have been sitting in jail until the court finally corrects all aspects of this case. the court needs to completely correct its errors. There is nothing further that I am going to do except come to the court and help guide your correction. The court needs to stop its threats against me such as bench warrants, bail, bail revoking, sanctions, and putting me in jail. Without these threats, I would come into court (more often than the court would want) for custody of my two daughters, support modification and to help correct these errors that the court has made in my case.

38. Is there no court in the United States of America where you can get justice and fairness in a case where there has been no justice, only judges engaged in a criminal conspiracy pattern through politics to deprive me any contact with my two daughters, my rights to be a parent, my right to directly support my children, my due process rights and equal protection under the law, my right to return to my professional work, Podiatry, my monies, my property, my freedom, my life, liberty, and pursuit of happiness, and the higher courts not wanting to get involved and/or criminally covering up the criminal acts (judges breaking their own laws to accomplish what they have illegally done against me) performed by judges of the Montgomery County Court of Pennsylvania working very closely and illegally with the lawyers of the law firm of Astor, Weiss, Kaplan and Rosenblum?

Respectfully submitted,

June 14, 1996

Paul J. Schapiro, D.P.M.

Paul J. Schapiro, D.P.M.
Benson Manor, Suite 623
101 Washington Lane
Jenkintown, PA 19046
(215) 422-9028

VERIFICATION

The undersigned verifies that the within

CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL TO THE SUPERIOR COURT
(THE CONCISE STATEMENT)

is true and correct to the best of my information, knowledge, and belief, and is made subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsification to authorities.

DATE: 4/24/26

PAUL J. SCHAPIRO, D.P.M.

Benson Manor, Apt.623
101 Washington Lane
Jenkintown, PA 19406

Montgomery County Correctional
60 Eagleville Road
Norristown, PA 19403-1400
H - 2 #326

TO THE COURT:

Case # 91-18417
Case # 53679

AGREEMENT 1-22-96 (Revised)

I will sign the insurance form as part of an agreed arrangement when the court deals with my getting access to my children (CUSTODY) - ENFORCED BY THE COURT

AND

where we correctly and completely modify support retroactive to September 23, 1991:

1. The date I was wrongly put out of my home.
2. The date I stopped my Podiatry Practice.
3. The time period that Sarita threw my Podiatry office out of my home.
4. The time period that Sarita made it almost impossible for me to see and talk to my children - she torturously interfered with my minimal visitation rights.
5. The period of time when I learned of the politics that were involved in this case.
6. The date my change of circumstances began.
7. The date I first began receiving $5,000.00 / month Disability payment from Monarch Insurance Company (Diagnosis: Preoccupied trying to get justice in the court.)

(Psychologist, Dr. Jack Lit's Medical Diagnosis:
"ADJUSTMENT REACTION WITH MIXED EMOTIONAL FEATURES")
(Court incorrectly calculated my support based on $14,500.00 per month)

AND

The court eliminate in writing the entire:

1. Alimony Pendente Lite $350.00/week - (Approx. $75,000.00) awarded to Sarita (who earns $311,000.00 gross in 1992) - To support her Bad Faith Litigation.

2. Judgment against me - $70,000.00 (Sarita owes me money).

3. Bail revoked $75.000.00

The court needs to notify the Insurance Co. to adjust or to remove the court's attachment against Insurance Company's payment.

The court must use a figure halfway between Sarita's Net and her Gross to calculate correctly the support because of Sarita's pattern of over-deducting on her taxes.

For 1995, the court must use Sarita's filed 1995 taxes and not base support calculations on her hearsay.

I should get some credit of deducting against my monthly disability money for rent to keep my Podiatry files, some equipment, legal help and other efforts to eventually try to get back to work.

Other issues to be corrected will be dealt with outside of this agreed arrangement and signing.

Paul J. Schapiro, D.P.M.